

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Inspector General**



**Inspector General**

October 11, 2018

Nyasha Smith  
Secretary to the Council  
1300 Pennsylvania Ave, N.W.  
Ground Level, Room 5  
Washington, D.C. 20004

**Re: SIGNIFICANT ACTIVITY REPORT – SUBSTANTIATED INVESTIGATION  
(OIG No. 2018-0933)**

Dear Ms. Smith:

This letter is to inform you that the D.C. Office of the Inspector General (OIG) has completed an administrative investigation into alleged misconduct by Antwan Wilson, then-Chancellor, D.C. Public Schools. This letter provides you with the results of this investigation, investigative conclusions and actions taken by the Executive in response to this investigation.

**COMPLAINT**

The D.C. Office of the Inspector General (OIG) received a confidential complaint alleging Antwan Wilson, then-Chancellor, D.C. Public Schools (DCPS), violated District policy when his child was transferred from Duke Ellington School of the Arts (Duke Ellington) to Wilson High School (WHS), which was not the child's in-boundary school.

**SCOPE**

In conducting this investigation, the OIG reviewed applicable laws, regulations, policies, and other relevant information, including My School DC<sup>1</sup> Lottery and school registration data. The OIG also interviewed Chancellor Wilson and witnesses deemed relevant to this matter.

The standard of proof applied to an OIG administrative investigation is a preponderance of the credible evidence (greater than 50 percent), i.e., the allegation is more likely to be true than not true.

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<sup>1</sup> My School DC provides a single online application where families can apply for spots at all DCPS out-of-boundary schools (K-12), all DCPS PK3 and PK4 programs, DCPS specialized high schools, and nearly every public charter school program. MY SCHOOL DC, [http://www.myschooldc.org/sites/default/files/dc/sites/myschooldc/page/press-release\\_121813.pdf](http://www.myschooldc.org/sites/default/files/dc/sites/myschooldc/page/press-release_121813.pdf) (last visited Sept 5, 2018).

## **BACKGROUND**

The District of Columbia requires children between the ages of 5 and 18 to attend school.<sup>2</sup> “Every child has an assigned in-boundary school for all compulsory grades (K-12) based on their home address. A child has the right to attend his or her in-boundary school starting in Kindergarten.”<sup>3</sup> Enrollment in an in-boundary DCPS school does not require participation in My School DC Lottery.

According to the *DCPS Enrollment and Lottery Handbook*, the “Office of the Deputy Mayor for Education (DME) oversees the My School DC Lottery in collaboration with DCPS, Public Charter School Board (PCSB) and participating charter schools.”<sup>4</sup> Families that wish to enroll in out-of-boundary schools and selective high schools must apply through the My School DC Lottery program.<sup>5</sup>

The OIG published an investigative report in April 2017 regarding abuse of the Chancellor’s authority to grant discretionary transfers to out-of-boundary schools resulting in preferential treatment for select individuals.<sup>6</sup> Because of the substantiated allegation, the OIG recommended that the executive “seek legislative rulemaking regarding the discretionary authorities for the Chancellor when approving discretionary out-of-boundary school transfers.”<sup>7</sup>

In response to the OIG’s investigation, the Mayor’s office informed the OIG that DME Jennifer Niles advised Chancellor Wilson to use the Chancellor’s authority to grant discretionary out-of-boundary transfers “in a very limited and absolutely impartial manner taking care not to show favoritism.” In May 2017, Mayor Muriel Bowser issued Mayor’s Order 2017-125 which placed a 30-day moratorium on discretionary transfers by all school officials including the DCPS Chancellor. In June 2017, Chancellor Wilson issued Chancellor’s Directive No. 103 (*Discretionary Out-of-Boundary Transfers Policy*) which established among other things “the extremely narrow circumstances under which a discretionary transfer will be considered” and advised, “the discretionary transfer process cannot be used by families to circumvent the My School DC Lottery process.”

In July 2017, Mayor Bowser issued Mayor’s Order 2017-158 *Limitations Regarding Out-of-Boundary Transfers* which reinforced the Mayor’s intent that Chancellor’s Directive No. 103 would be “consistent with the ethics laws of the District of Columbia and expressly ensure that requests from former or current public officials were not [to be] given special consideration.” It stated, “No former or current public official shall be able to request an out-

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<sup>2</sup> D.C. Code § 38-202 (Lexis current through Aug. 21, 2018).

<sup>3</sup> DISTRICT OF COLUMBIA PUBLIC SCHOOLS PARENT HANDBOOK (April 2016), at 11.

<sup>4</sup> DISTRICT OF COLUMBIA PUBLIC SCHOOLS ENROLLMENT AND LOTTERY HANDBOOK, Ver. 2.0 (January 2017), at 9.

<sup>5</sup> *Id.* at 8 and 10.

<sup>6</sup> OIG Significant Activity Report (SAR) 2016-1751, issued April 12, 2017.

<sup>7</sup> *Id.*

of-boundary transfer request” and required an applicant to “certify that he or she is not, and never has been, a public official in the District of Columbia.”

### **ALLEGATION**

This investigation examined whether in October 2017 Antwan Wilson, then-Chancellor of DCPS violated DCPS policies when his child transferred from Duke Ellington to enroll at a school other than the child’s in-boundary school.

### **FINDINGS OF FACT**

On December 20, 2016, the D.C. Council confirmed Antwan Wilson as the new DCPS Chancellor, beginning his tenure on February 1, 2017. Chancellor Wilson “work[ed] under the administrative direction of the Mayor. In consultation with the Mayor and with oversight from the Council of the District of Columbia, [the Chancellor] develops plans and strategies to carry out [the Mayor’s] mandates and solve major issues related to school functions. [The Chancellor] is responsible for and has authority to direct the activities and operations of DCPS which includes carrying out program functions within the framework of the Mayor’s vision, Administration’s overall policies, missions, objectives, and resources.”<sup>8</sup>

My School DC Lottery records indicate that in February 2017, Chancellor Wilson’s child participated in the lottery process and matched with Duke Ellington, a selective high school. A selective high school “admits students based on specific eligibility criteria and requires application for entry into the school.”<sup>9</sup> A review of Duke Ellington records also confirmed that Chancellor Wilson’s child participated in the My School DC Lottery as well as Duke Ellington’s admissions process. The Wilson’s child was extended an offer of admission and enrolled in Duke Ellington in August 2017.

During his interview with OIG investigators, Chancellor Wilson stated that shortly after the school year began his child began to have difficulty adjusting to the new school. Chancellor Wilson encouraged his child to meet with the principal at Duke Ellington to address the child’s concerns but the principal was not available. Chancellor Wilson said he was reluctant to approach the Duke Ellington principal directly because he did not want to give the appearance of putting undue pressure on a subordinate. Historically, he explained he did not engage with school officials regarding his children because he wanted to “avoid any sense of pressure or expectation,” so his wife assumed all school-related responsibilities for their children. Chancellor Wilson said that after his child could not meet with the principal to resolve the issues and based on discussions with his wife; they agreed that their child should transfer to another school and he should not make any decisions regarding their child’s placement in any way. Chancellor Wilson further commented neither he nor his wife asked

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<sup>8</sup> District of Columbia Public Schools Chancellor Vacancy Announcement, Boyden Global Executive Search, at 1.

<sup>9</sup> DISTRICT OF COLUMBIA PUBLIC SCHOOLS ENROLLMENT AND LOTTERY HANDBOOK, Ver. 2.0 (January 2017), at 6.

for any specific schools or made any demands but instead inquired about the process of transferring their child.

Chancellor Wilson sought assistance from his supervisor DME Niles regarding the process to transfer his child into another DCPS school. Chancellor Wilson stated that although he was concerned about the public perception of removing his child from DCPS, he and his wife were prepared to look at private school options for the upcoming year and would most likely send their child back to California to finish the school year if a transfer within DCPS was not available.

Chancellor Wilson stated that during a regularly scheduled meeting on September 20, 2017, he discussed his child transferring to another school with DME Niles and Mayor Bowser. Chancellor Wilson stated that during this conversation, Mayor Bowser asked how his family was transitioning. He replied that they were facing challenges at Duke Ellington but that his wife was working with DME Niles to resolve the problem to which Mayor Bowser replied, “Keep me posted.” Subsequently, around the week of October 11, 2017, Chancellor Wilson stated he told the Mayor his child moved to Wilson and “how that happened.” Chancellor Wilson did not recall Mayor Bowser responding to his comments.

DME Niles was interviewed for this investigation. DME Niles “works under the broad administrative direction of the City Administrator, who develops public education policy, overall priorities and objectives in consultation with the [DME]. Within strategic priorities, the [DME] independently handles highly sensitive matters and situations, accomplishes varied and complex assignments, special projects, and provides authoritative recommendations based on policy considerations, judgement, and the Mayor’s position and priorities.”<sup>10</sup>

DME Niles testified that Chancellor Wilson called her and said that his child was “unhappy” at Duke Ellington. Further, DME Niles stated that Chancellor Wilson did not know what the options were and wanted to ensure that he did not engage DCPS staff in any conversations about where his child would go to school. Instead, Mrs. Wilson would handle those interactions and conversations. DME Niles also stated that Chancellor Wilson did not want to apply pressure or undue influence on the process that would determine where his child would go to school and he did not want to contact any school principals where his children attended school. DME Niles responded, “That makes sense,” believing that working through her was “logical ... [b]ecause [she] could assure whomever [she] spoke to that undue influence was exactly not what should be happening.”

DME Niles called Dr. Jane Spence DCPS Chief of Secondary Schools and asked her to speak with Mrs. Wilson about the transfer options available to the family. DME Niles stated she explicitly told Dr. Spence, “I want to make sure that we follow all of the rules and that

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<sup>10</sup> Mayor’s Office of Talent and Appointments Job Announcement for DME, June 28, 2018.

there’s no undue influence because of the Chancellor’s [child]. That’s really, really important ....” DME Niles remarked that she did not often speak to Dr. Spence and “did not talk to [Dr. Spence] after that one phone call to her.”

DME Niles said she neither specified the particular rules nor suggested a particular outcome to Dr. Spence but believed the available options were: (1) transfer to Dunbar, the child’s in-boundary school; (2) transfer to School Without Walls, if she passed the test; or (3) transfer to a private school. However, she did not share those options with Dr. Spence or the Chancellor and Mrs. Wilson.

After DME Niles received a call from the Mayor’s Chief of Staff regarding the propriety of the Chancellor’s child transferring to WHS, DME Niles stated she “figured out that they hadn’t gone through a discretionary placement process. Because [Chancellor Wilson] would have had to sign off on it because that’s the final part of the discretionary placement.” Subsequently, during a conversation with the Mayor’s General Counsel and DME Niles’ Chief of Staff; DME Niles “began to realize that [Chancellor Wilson’s child] likely had gotten into [WHS] without going through the discretionary placement process and the magnitude of what that meant.”

DME Niles reiterated to investigators that Chancellor Wilson was not involved with the process of his child moving from Duke Ellington to WHS after their initial conversation about the need for his child to change schools. DME Niles also stated she did not offer WHS as an option to the Chancellor or Mrs. Wilson because she did not facilitate the transfer nor did her role involve transfers.

DME Niles said she had no recollection of Chancellor Wilson telling Mayor Bowser that his child was having trouble at Duke Ellington but did recall a meeting at which Chancellor Wilson told the Mayor that his child was “doing better” and attending WHS. DME Niles could not recall what prompted that statement but characterized the exchange as “small talk” before a meeting. DME Niles did not recall Mayor Bowser acknowledging Chancellor Wilson’s response.

Dr. Spence, Chief of Secondary Schools, was interviewed regarding her role in the transfer of Chancellor Wilson’s child. As Chief of Secondary Schools, Spence was responsible for “... instructional superintendents who support DCPS middle and high schools; college and career programs; athletics, and ninth grade academies. The Secondary School division is responsible for effective management, operation and achievement of the middle and high schools and provides leadership to principals, administrators, and teachers to ensure academic excellence for all students.”<sup>11</sup>

According to Dr. Spence, DME Niles called her in the first couple of months after school started to discuss moving the Chancellor’s child from Duke Ellington. Dr. Spence said she

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<sup>11</sup> Position Description for DCPS Chief of Secondary Schools, certified on June 20, 2017.

could not recall much of the conversation with DME Niles but “remembered ... having the impression that ... [the Wilsons] were dissatisfied [with Duke Ellington] and ... [she] needed to fix the issue expeditiously and . . . [needed to] call the Chancellor’s wife to kind of work out what they wanted.”

Dr. Spence said she called Mrs. Wilson and discussed the Wilsons’ concerns. Dr. Spence also said she spoke with the principal at Duke Ellington who confirmed that she had not met with Chancellor Wilson’s child due to scheduling issues. After Dr. Spence spoke with the principal at Duke Ellington, she informed Mrs. Wilson that the principal felt she could help Mrs. Wilson resolve the situation. Dr. Spence asked Mrs. Wilson if she would work with Duke Ellington officials to resolve the situation. According to Dr. Spence, Mrs. Wilson said she wanted to think about it over the weekend and would get back to her. Mrs. Wilson contacted Dr. Spence after the weekend and told her they decided their child needed to leave Duke Ellington.

After discussing with Mrs. Wilson her concerns for their child and various District high schools, Dr. Spence asked Mrs. Wilson where she wanted the child to attend high school. Mrs. Wilson responded they wanted to consider WHS. Dr. Spence suggested to Mrs. Wilson that their child should visit the school first. Dr. Spence contacted her Coordinator for Secondary Schools to facilitate a shadow day for the child at WHS. Dr. Spence also spoke with the principal at WHS and notified her that the Wilsons’ child was interested in attending WHS. After the shadow day, Mrs. Wilson told Dr. Spence that WHS was where they wanted the child to attend school. Dr. Spence contacted her Coordinator for Secondary Schools to “set-up whatever needed to happen in order to transfer [the child] to WHS.”

Dr. Spence admitted that at the time she was having conversations with DME Niles and Mrs. Wilson, she was “not familiar” with issues related to out-of-boundary transfers and that, “no one had stated anything to [her] about a policy.” Dr. Spence further reasoned that she was unfamiliar with the policy because that responsibility belonged to another department. Additionally, Dr. Spence stated she knew WHS was a “high demand school” but did not consider the waiting list at WHS<sup>12</sup> “[b]ecause [she did not] deal with transfers and that sort of thing.” Dr. Spence added she was involved only because it was the Chancellor’s child and because DME Niles “hadn’t called about anything else other than the Chancellor’s [child]. Dr. Spence “felt “[she] was expected to do something because this [was] the Chancellor’s [child] ... [and] anybody would take away that this is a special circumstance if the Deputy Mayor for Education for the City is calling you about a child and that child is the child of your boss.” When asked by investigators if the Chancellor’s child received preferential treatment, Dr. Spence responded, “Absolutely.”

The OIG interviewed Dr. Spence’s Coordinator for Secondary Schools who stated Dr. Spence contacted him via email about a “high priority and high profile project.” He contacted Dr. Spence on the same day and was told the Chancellor’s [child] would “likely”

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<sup>12</sup> According to My School DC, as of March 31, 2017, for school year 2017–2018, there were 347, 116, 119, and 57 students on the waitlist at WHS for grades 9-12, respectively.

be transferring from Duke Ellington to WHS. In addition, the Coordinator for Secondary Schools stated that Dr. Spence also asked him to coordinate a visit to WHS for [the child]. On September 29, 2017, Dr. Spence told the Coordinator for Secondary Schools the Chancellor’s child would transfer to WHS and asked him to coordinate with both schools to facilitate the transfer. Further, the Coordinator for Secondary Schools stated that this was not something he had been involved with previously and he was not familiar with the process. According to the Coordinator for Secondary Schools, he only interacted with Mrs. Wilson to coordinate the shadow day and the transfer to WHS.

During Mrs. Wilson’s interview, she stated Dr. Spence called her to “help me with the transfer or the process of looking at another school for [my child].” According to Mrs. Wilson, Dr. Spence said, “Here are some schools [;] . . . Wilson, School Without Walls[,] and Banneker.”

Mrs. Wilson said that she and the Chancellor were not concerned about the perception of their child leaving one DCPS school and going to another because the Chancellor went to his supervisor and asked, “[W]hat [to] do since he’s the Chancellor ....” Mrs. Wilson stated DME Niles called her and advised that she [Wilson] would be working with Dr. Spence on the issue.

Investigators interviewed Mayor Bowser regarding her knowledge of the Chancellor’s child transferring from Duke Ellington to WHS. According to the Mayor, she learned about the Chancellor’s child transferring from Duke Ellington to WHS when the OIG informed her General Counsel that the OIG was looking into the circumstances related to Chancellor Wilson’s child transferring from Duke Ellington to WHS.

Mayor Bowser stated that her intent in Mayor’s Order 2017-125 was to ensure that no public official received special treatment regarding placement of his or her child in any D.C. public school. The Mayor viewed Chancellor’s Directive No. 103 as prohibiting current or former public officials from requesting or receiving discretionary transfers for their children.

According to the Mayor, her first conversation on the matter with DME Niles occurred 1 week after DME Niles’ resignation, and DME Niles told Mayor Bowser that she never asked for special treatment on behalf of Chancellor Wilson’s child when she “spoke to DCPS.” Mayor Bowser responded by stating the “act of contacting DCPS alone constituted special treatment.” Mayor Bowser also stated Mayor’s Order 2017-158 was very clear in its intent that no special treatment be allowed for public officials and that they were not eligible to receive discretionary transfers.

According to the DCPS Student Placement Office Executive Director, the Wilson family had the following options available to move their child from Duke Ellington: (1) apply to another application school; (2) attend the child’s in-boundary school; or (3) complete a post lottery application to My School DC Lottery to determine which DCPS schools had available spaces for enrollment. Further, the Executive Director indicated the Wilson’s child would

have been eligible for a voluntary transfer. However, neither the Chancellor nor Mrs. Wilson contacted the DCPS Student Placement Office for guidance or assistance with a potential transfer.

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The My School DC *Policy Guide for Participating LEAs* (Local Education Agencies)<sup>13</sup> dated September 2016, detailed the processes by which families could pursue enrollment in a school other than their in-boundary school. If a family wanted a child to attend a school other than options offered through the child’s lottery results for School Year (SY) 2017-2018, lottery applicants could have applied to additional schools starting March 31, 2017 after the lottery results were published. Post-lottery applicants were added to the end of a school’s waitlist after lottery applicants and could have been admitted if spaces were available through a post-lottery transfer.<sup>14</sup>

According to My School DC *Policy Guide for Participating LEAs* dated August 2017, My School DC planned to implement a new “centralized mid-year transfer process for all participating LEAs.”<sup>15</sup>

The key elements of the new process are:

- My School DC will extend the period during which applicants for the school year already underway will be accepted over the My School DC Hotline from mid-December until March 26, 2018;
- My School DC will accept applications for in-boundary schools after October 5, 2017 for students seeking a seat during the school year already underway, until March 26, 2018. Offers will be automatic to in-boundary schools;
- My School DC will input basic information on why the mid-year transfer is occurring;
- My School DC will automate offers with an expiration date 48 hours from the application time to a school that has advertised an open seat in the grade of the applicant; and
- Advertising spaces with MSDC is the means to exercise the option of accepting students mid-year (October 5, 2017 through March 26, 2018), including the automatic offer mechanism to applicants. Schools that do not wish to extend automatic offers cannot advertise spaces available through the

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<sup>13</sup> As defined in the Elementary and Secondary Act of 1965 (ESEA), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

<sup>14</sup> MY SCHOOL DC POLICY GUIDE FOR PARTICIPATING LEAs (September 2016), at 18. (Policy in effect at time of student enrollment).

<sup>15</sup> My SCHOOL DC POLICY GUIDE FOR PARTICIPATING LEAs (August 2017), at 18. (Policy in effect at time of student transfer).

[Centralized Waitlist Management System] and My School DC.<sup>16</sup>

The *DCPS Student Placement and Transition Implementation Guide for Secondary Students* (Guide) provide transfer options once the school year is underway. The Guide states:

A transfer is the reassignment of a student to a school outside the student’s assigned attendance areas (boundary area).... [There are four] types of transfers...: (1) immediate involuntary; (2) involuntary; (3) victim; and (4) voluntary. Transfers are based on exceptional circumstances, such as: the safety of the transferred student, staff or other students in the building; or the commission of a criminal act that may impact the safety of the school community. Transfer should generally occur after interventions and after other options have first been exhausted.<sup>17</sup>

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*Immediate Involuntary Criteria:* A DCPS secondary (Grades 6-12), educational campus or elementary students charged with or accused of a criminal offense that jeopardizes the peace, health, safety, or welfare of the students or staff of the D.C. Public School, either as a juvenile or adult can receive an immediate involuntary transfer....

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*Involuntary Criteria:* Reassignment of a student currently enrolled in a DCPS secondary school, educational campus ... or elementary [school] to another DCPS school location without the approval of the student’s parent or legal guardian.

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*Victim Criteria:* A student currently enrolled in a DCPS secondary, educational campus or elementary school ..., who is the victim of a violent criminal offense committed in or on the grounds of a DCPS building, shall have the opportunity to transfer to another school pursuant to the Unsafe School Choice Option of the NCLB Act of 2011.

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<sup>16</sup> *Id.*

<sup>17</sup> DISTRICT OF COLUMBIA PUBLIC SCHOOLS STUDENT PLACEMENT AND TRANSITION IMPLEMENTATION GUIDE FOR SECONDARY STUDENTS (March 2014), at 10.

*Voluntary Criteria:* A student, grades 6-12 and a student’s parent or guardian agree to transfer to a school outside of the attendance area (boundary area).

Voluntary transfers also can occur for the following reasons:

- The out-of-boundary process [My School DC Lottery];
- Application to a specialty school [My School DC Lottery]; or
- At the discretion of the Chancellor or designee [Chancellor’s Directive 103].<sup>18</sup>

*Process:* The request to transfer schools can come from the student and the student’s parent or legal guardian, a recommendation by the principal, or the [DCPS Student Placement Office] SPO at the conclusion of a placement meeting.

The voluntary transfer process (see below) should not exceed three (3) school in-session days from the initial request to change schools to the student enrolling in the new school. Students enrolling in schools outside of their attendance area (boundary area) shall attend their current school for the duration of the academic year except under the following circumstances:

- The student receives an involuntary transfer.
- The student is suspended or expelled.
- The student has a medical condition that limits his or her ability to attend school on a regular basis.
- The transportation cost of commuting to school causes a financial burden.
- The student has a life circumstance, i.e. death of a family member, domestic violence, which necessitates a change of schools.
- The student no longer meets the criteria for the specialized school, program or academy.

*Roles and Responsibilities:*

The Principal or principal designee shall:

- Conduct a meeting with the student and the student’s parent or legal guardian to discuss the reason for the voluntary transfer request.
- Provide interventions to resolve concerns/issues regarding the request to change schools (if applicable).
- Refer the student and the student’s parent or legal guardian to the SPO for school placement assistance. If applicable, refer the student and parent or legal guardian to the SPO for school placement assistance

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<sup>18</sup> *Id.* at 10, 13, 17, and 20.

- after exhausting interventions.
- Complete Voluntary Transfer Request Form and send, by fax or inter-office mail, to SPO ....

*The Student Placement Specialist shall:*

- Upon receipt of the referral for school placement assistance, contact the student and the student’s parent or legal guardian to schedule a school placement meeting. The SPO shall attempt to schedule the meeting within two (2) school in-session days of the referral.
- Review the Voluntary Transfer Request Form, student’s transcript, progress reports, attendance and IEP (if applicable).
- Identify and provide school options to student and the student’s parent or legal guardian within 24 to 48 hours after the school placement meeting.
- Facilitate enrollment in the school selected. Contact the school’s registrar regarding availability of space.
- Discuss the enrollment of the student with the school principal or designee at the receiving school to finalize the school placement.
- Monitor the student’s academic progress, attendance, and behavior weekly for the first 120 days and monthly thereafter for the remainder of the academic year.<sup>19</sup>

Under 5E DCMR § 2106.6, “only the Chancellor, is authorized to grant a discretionary transfer and set the duration of the approval of the transfer when the Chancellor determines that the transfer would be in the best interests of the student, and that the transfer would promote the overall interests of the school system.”

Mayors’ Order 2017-158 ¶ 2 states, in part:

During the creation of the new District of Columbia Public Schools (“DCPS”) policy [Chancellor’s Directive No. 103], we determined that no former or current public official shall be able to request an out-of-boundary transfer request.

Chancellor’s Directive No. 103, § II.A states, in part:

This discretionary transfer process is not available for current or former “public officials.” Therefore, if the transfer request is for a student whose parent or guardian is a current or former

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<sup>19</sup> *Id.* at 20 – 21.

public official, DCPS will deny the request immediately without further consideration.

*Process:*

1. Parent/guardian or adult/emancipated student submits a discretionary transfer request: Discretionary transfer requests must be made on the Discretionary Transfer Request Form attached to this policy as Appendix A. The submitted form must be accompanied by a statement describing 1) why the request is being made; 2) how the proposed transfer would be in the best interests of the student; 3) how the proposed transfer would promote the overall interests of the school system; and 4) why the student's in-boundary or current school will not be able to meet the student's needs.

Transfer requests for students whose parent, guardian is a current, or former public official will be denied immediately without further consideration. Therefore, all requestors must certify on the Discretionary Transfer Request Form that they are not a current or former public official. No discretionary transfer requests will be considered without this certification.

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Only requests that adhere to this process will be considered.

2. Preliminary Screening of Requests: All requests for discretionary transfer pursuant to 5-E DCMR § 2106.6 will initially be screened by the Office of the Chief Operating Officer for completeness and to ensure the accompanying statement contains a description of extenuating and unique circumstances related to the individual student and family, as further explained below in Section 3. The Chancellor's Discretionary Transfer Advisory Committee (the "Advisory Committee"), which has been created pursuant to this policy, will not review requests that fail to meet these criteria.

3. Advisory Committee consideration of discretionary transfer request: The Chancellor has created an Advisory Committee to serve in an advisory capacity concerning qualifying discretionary transfer requests. The Advisory Committee solely makes recommendations to the Chancellor to deny or grant each request it reviews. All final decisions to grant discretionary transfers pursuant to 5-E DCMR § 2106.6 shall be made by the Chancellor as the only person with the authority to grant such requests.

The Advisory Committee shall be made up of no fewer than three members and one alternate, and shall at a minimum be comprised of one representative from each of the following DCPS offices:

- Office of the Chief Operating Officer;
- Office of the Chief of Schools; and
- Office of the General Counsel.

The Chancellor may appoint members of the Advisory Committee or delegate his or her authority to appoint Advisory Committee members.

The Advisory Committee will meet to consider and vote on requests that have cleared the pre-screening described in Section 2 above. Each such request will receive a recommendation by the committee to grant or deny the transfer within 15 business days of DCPS receiving the request.

When considering discretionary transfer requests, the Advisory Committee may consult with any necessary DCPS personnel for input and feedback including for example, principals and members of the enrollment team.

Advisory Committee members having a conflict of interest with respect to the requester will recuse themselves from considering the matter. The Office of the General Counsel will evaluate determinations regarding whether a conflict of interest exists. In cases of recusal, the Chancellor may appoint another person from the same office to the committee or delegate his or her authority to appoint a new member.

The Advisory Committee will evaluate the factors described below related to each request.

A. Whether the proposed transfer is in the best interests of the student. In making this determination, the Advisory Committee should consider the following criteria:

- Whether the student's unique physical and/or academic needs can only be met by the resources, programming, or the physical building of the proposed receiving school.
- Whether the request demonstrates extenuating circumstances and exceptional hardship for reasons of familial, medical, emotional, or social adjustment.
  - In this instance, independent, detailed documentation or other information substantiating the circumstances (i.e., from physicians, psychologists, social workers, or counselors) is required and must be attached to the discretionary transfer request;

- Whether the student's unique needs can be met by any available alternative, other than a discretionary transfer.
- Whether the request adequately explains why the student's in-boundary Or current school will not be able to meet the student's needs.
- Any other compelling reason(s) or extenuating and unique circumstances that demonstrate why a transfer is in the best interests of the student.

B. Whether the proposed transfer will promote the overall interest of the school. In making this determination, the Advisory Committee should consider the following criteria:

- Space in the student's proposed classroom at the receiving school.
- Whether the proposed receiving school is over enrollment capacity.
- Whether the transfer would open up an enrollment seat at a school with more demand for enrollment seats than there are available seats.
- Whether the transfer would help promote socio-economic integration in the proposed receiving school.
- The number of students, if any, on the proposed receiving schools waiting list at the time of the discretionary transfer request.
- Time of year that the transfer may occur so as not to be unduly disruptive to instruction.
- Any other compelling reasons or extenuating and unique circumstances that demonstrate why a transfer promotes the overall interest of the school system.

The Advisory Committee will assess the request and determine whether the request for discretionary transfer is recommended for approval or denial by the Chancellor. The Advisory Committee must then document in writing the following:

- Whether, and how, the transfer is in the best interests of the student, including consideration of the criteria described above
- Whether, and how, the transfer would promote the overall interest of the school system, including consideration of the criteria described above;
- If requesting transfer to a specialized school, program, or academy, the Advisory Committee must confirm that the student has been accepted for admission to the school.

The Advisory Committee's recommendation should be sent to the Chancellor within three business days of the committee reaching a recommendation regarding approval or denial of the discretionary transfer request.

4. Chancellor consideration of discretionary transfer request: After the

Advisory Committee communicates its recommendation to the Chancellor, the Chancellor shall review the recommendation and decide whether to approve or deny the request, noting this decision in writing for the requestor and the committee. Notwithstanding the Advisory Committee's recommendation, the Chancellor must act impartially in making the approval decision and not give preferential treatment to any individual for any reason, such as their employer or standing in the community.

The Chancellor may consult with the Board of Ethics and Government Accountability before granting all discretionary transfers pursuant to 5-E DCMR § 2106.6.

The Chancellor's decision to approve or deny a request for discretionary transfer should be made within seven business days of receiving the Advisory Committee's recommendation. The Office of the Chief Operating Officer shall be responsible for communicating the Chancellor's decision to the requester.

The Chancellor's decision is final.

#### 5. Record keeping and reporting

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Direct DCPS Assignments place students directly in schools to address school safety, to accommodate special education needs and/or student disabilities, and military families.<sup>20</sup> Each one of these direct placements has specific conditions that must be met and criteria that must be followed in order to gain a direct assignment. These assignments are exempt from the processes outlined in Chancellor's Directive No. 103.

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<sup>20</sup> Chancellor's Directive #103, DISCRETIONARY OUT-OF-BOUNDARY TRANSFERS POLICY, June 22, 2017.

### **ANALYSIS OF ALLEGATION**

This investigation examined whether in October 2017 Antwan Wilson, then-Chancellor of DCPS violated DCPS policies when his child was transferred from Duke Ellington to a school other than the child’s in-boundary school.

Chancellor Wilson began his tenure as the District of Columbia Public School Chancellor in February 2017. In April 2017, the Mayor’s office advised the OIG that DME Niles discussed with Chancellor Wilson the outcome of an OIG investigation and that substantiated allegations of preferential treatment against a former District of Columbia public school official when using the Chancellor’s discretion to place students as authorized by 5E DCMR § 2106.6. Shortly after the start of the 2017-2018 school year, Chancellor Wilson and his family decided they wanted to transfer their child from Duke Ellington because their child had difficulty adjusting to the new school. Chancellor Wilson was under the impression the only option available to him to address his family’s concerns and keep his child enrolled in DCPS was use of the Chancellor’s discretionary out-of-boundary transfer process for which he was ineligible as a public official. Consequently, Chancellor Wilson asked his supervisor DME Niles what process could be used to transfer his child. Chancellor Wilson was emphatic that he should not make any decisions regarding the placement of his child to avoid the appearance of impropriety.

When the OIG discussed the matter with Chancellor Wilson, he did not view any of his actions as improper because not only did he discuss the matter with his immediate supervisor, DME Niles, he also stated he mentioned to Mayor Bowser during a regularly scheduled meeting that his child was facing challenges at Duke Ellington. At a subsequent regularly scheduled meeting, Chancellor Wilson said he told the Mayor that his child transferred to WHS. DME Niles also recalled Chancellor Wilson mentioning to the Mayor his child was attending WHS but characterized the conversation as “small talk” before the meeting. Although Chancellor Wilson and DME Niles both said the Chancellor mentioned his child attending WHS to the Mayor, Mayor Bowser stated she did not remember the conversations and said she learned about the situation when she was informed the OIG was looking into the circumstances related to the transfer of Chancellor Wilson’s child from Duke Ellington to WHS. Neither Chancellor Wilson nor DME Niles recalled the Mayor responding to the comments Chancellor Wilson made regarding his child’s transfer to WHS.

As a DCPS parent, Chancellor Wilson and his family were entitled to inquire about the process to transfer their child. The evidence established that Chancellor Wilson did not request a discretionary out-of-boundary transfer for his child. Instead, the Chancellor asked for help from his immediate supervisor, DME Niles who directed Dr. Spence, DCPS Chief of Secondary Schools to provide assistance in resolving the matter. DME Niles stated she told Dr. Spence to follow all the rules to ensure there was no undue influence because the request concerned the Chancellor’s child. Even with DME Niles’ directive, this assistance was provided at the behest of the highest education official in the District. Dr. Spence felt “[she] was expected to do something because this [was] the Chancellor’s [child] ... [and] anybody

would take away that this is a special circumstance if the Deputy Mayor for Education for the City is calling you about a child and that child is the child of your boss.” Dr. Spence concluded that the child “absolutely” received preferential treatment. Had Chancellor Wilson, DME Niles, or Dr. Spence contacted the DCPS Student Placement Office, they would have learned that there were documented processes – other than the discretionary out-of-boundary transfer process – that do not involve or require the involvement of the Deputy Mayor for Education, the Chancellor, or the Chief of Secondary Schools, in their official capacity to address matters related to student placement.

According to the DCPS Student Placement Office Executive Director, the Wilson family had options available to move their child from Duke Ellington: (1) apply to another application school; (2) attend the child’s in-boundary school; or (3) complete a post lottery application to My School DC Lottery to determine which DCPS schools had available spaces for enrollment. The Executive Director also stated the Wilsons’ child could have requested a voluntary transfer. Analysis of the available evidence determined that the Wilsons’ specific circumstance would have met eligibility criteria for a voluntary transfer set forth in the *DCPS Student Placement and Transition Implementation Guide for Secondary Students*. The voluntary transfer process would have determined whether WHS would have been the receiving school. According to Mrs. Wilson, Dr. Spence did not discuss the options listed above with the Wilson family. When Dr. Spence called Mrs. Wilson to assist with the process of transferring the Wilsons’ child to another school, Dr. Spence identified WHS, School Without Walls, and Banneker as options for the transfer. The Wilson family ultimately selected WHS.

While Chancellor Wilson sought assistance from DME Niles in order to ensure that DCPS staff was not unduly influenced by a request from the Chancellor, the Chancellor and DME had a responsibility to ensure any school transfer of Chancellor Wilson’s child was conducted in accordance with applicable District policies and procedures. Neither DME Niles nor Chancellor Wilson appeared to have made any effort to ensure the transfer was done properly. Instead, the transfer of Chancellor Wilson’s child to WHS bypassed established policies and procedures. This occurred principally due to four factors: 1) lack of familiarity with DCPS student placement and transfer policy; 2) failure to identify and engage the appropriate officials responsible for addressing these types of placements; 3) accepting responsibility for an action that was outside one’s normal scope of duties and responsibilities; and 4) feeling compelled to be responsive to a request from a senior official on behalf of another senior official.

Although we found no evidence indicating the DME, the Chancellor, or the Chief of Secondary Schools intended to bypass policies and procedures, the OIG concludes that personal intervention by these senior District officials set in motion a series of events that resulted in the Wilson family receiving preferential treatment when their child was transferred to WHS.

These actions violated District policies.

### ACTIONS TAKEN BY THE EXECUTIVE

On September 10, 2018, the OIG provided this Report of Investigation to the Mayor as the appropriate authority responsible for addressing substantiated misconduct, in accordance with D.C. Code § 1-301-115a. The OIG provided two recommendations to the Mayor: (1) to take action deemed appropriate regarding the substantiated allegation of misconduct and (2) to review all policies and procedures relevant to the placement and transfer of students to ensure they are clear, consistent and effective, such that they do not conflict with the intended purpose of such guidance.

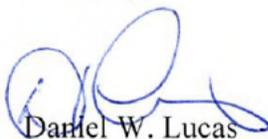
On October 8, 2018, the Mayor responded to the Report of Investigation. A complete copy of the response is included as an attachment to this letter. The response to the first recommendation provided that action had already been taken and further commented that “separations send a strong signal to all that high officials are not exempt from policies and procedures, particularly those very policies [that are] in place to guard against favoritism.”

Regarding OIG’s second recommendation, the Mayor stated “her office has been working with both OSSE and DCPS to make sure that our policies, both for the lottery and any mid-year transfers are clear and communicated to employees. Employees must understand their role in carrying out procedures.” The Mayor’s response also indicated that the “advisory committee [. . .] for applicants for discretionary transfers has been stood up and working.”

In addition to forwarding this matter to the Mayor, the OIG has provided a copy of the Report of Investigation to the Board of Ethics and Governmental Accountability for action deemed appropriate.

If any additional information is needed, please feel free to contact me or Bernadette Todd, Assistant Inspector General for Investigations at (202) 727-2540. When calling, please reference OIG Control Number 2018-0933.

Sincerely,



Daniel W. Lucas  
Inspector General

DWL/mnw

Attachment – Mayor’s Response to OIG’s Report of Investigation



**MURIEL BOWSER**  
MAYOR

October 5, 2018

Daniel W. Lucas  
Inspector General  
717 14<sup>th</sup> Street, NW  
Washington, DC 20005

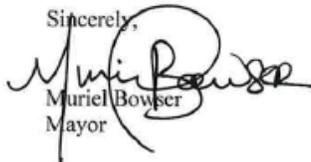
Dear Inspector General Lucas:

Thank you for your investigation and report on the alleged misconduct on the part of Antwan Wilson in connection with the placement of his daughter at Woodrow Wilson High School.

In regard to your first recommendation, insofar as it relates to recommending that the Mayor take action deemed appropriate, we have already taken action. I had requested and obtained the resignations of the two key actors who failed to implement the policy forbidding public officials from availing themselves of discretionary transfers; the Chief of Secondary Schools, who facilitated the transfer, had already left District employment by the time the transfer came to light. The separations sent a strong signal to all that high officials are not exempt from policies and procedures, particularly when those very policies are in place to guard against favoritism.

As to your second recommendation, the Mayor’s Office has been working with both OSSE and DCPS to make sure that our policies, both for the lottery and any mid-year transfers, are clear, consistent, and effective. We also understand that policies, to be effective, must be clearly communicated to employees and that employees must understand their role in carrying out procedures. The advisory committee set forth in the Mayor’s Order for applicants for discretionary transfers has been stood up and working, and the new policies provide added clarity to the procedures for mid-year transfers.

Sincerely,

  
Muriel Bowser  
Mayor