



COUNCIL OF THE DISTRICT OF COLUMBIA  
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**Mary M. Cheh**  
Councilmember, Ward 3  
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Dear Colleagues,

Late last week, the Mayor transmitted legislation to the Council to dispose of the Old Hardy School—property located in Ward 3—to the Lab School of Washington via a lease of at least fifteen years. I am writing to you today to express my strong opposition to this proposal, and to ask for your support in opposing both the permanent legislation and the emergency legislation that is slated to be considered at our Additional Legislative Meeting on March 19<sup>th</sup>.

Over the past two years, I have been working closely with DCPS and Ward 3 parents and advocates to identify solutions to overcrowding at Ward 3 schools. As you may know, each public school in the Ward is currently at or over capacity, a fact underscored in the Auditor's September 2018 report on enrollment, which also found that the student population in Ward 3 is likely to continue to grow over the next several years.

In late 2017, I worked with DCPS to convene a community working group tasked with identifying solutions to school overcrowding that, importantly, DCPS would commit to pursue. Unfortunately, when DCPS published the working group's recommendations this January, DCPS did not include any specific plans to increase facility space in Ward 3. Similarly, the DCPS 2018 Master Facilities Plan did not include any specific proposals to increase facility space in the ward.

Throughout the working group process, members of the community regularly raised Old Hardy as a potential part of the solution to overcrowding. At that time, I reserved judgment on whether reclaiming Old Hardy was necessary to address over-enrollment, both waiting for the results of the working group and hopeful to find a solution that would allow the Lab School to continue in the space. To that end, when the Mayor transmitted legislation to the Council to dispose of Old Hardy during Council Period 22, I asked Councilmember McDuffie to delay holding a hearing until the Mayor and DCPS issued a statement clearly laying out that they have no intent to use the Old Hardy space for a DCPS school if it was retained by the District. The Mayor has not issued such a statement to date.

DCPS has acknowledged that each of the schools in Ward 3 schools is at or near capacity, and has made promise after promise to address the issue. But they have not followed through on those promises, and the issue is getting worse. Without a plan in place to address over-enrollment, it would be irresponsible to support the leasing of Old Hardy to a private entity when that property could be used to address overcrowding at our public schools. For example, although Old Hardy is not very large, it has been suggested that the school could be used as an Early Childhood Center, relieving pressure on the elementary schools, which are currently able to offer only a few pre-k 4 and no pre-k 3 classes. Certainly, Old Hardy is only one piece of a larger solution to overcrowding, but it could be an essential piece.

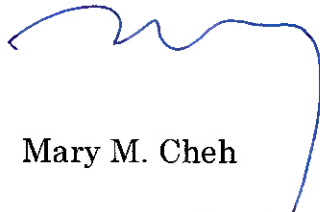
I also want to note my strong objection to the process by which the Mayor has transmitted this legislation to the Council. The Mayor's proposal is an explicit departure from the requirements for surplus and disposition under District law. As you'll note, the legislation exempts itself from the requirements of DC Code § 10-801—specifically, the need to declare the property surplus. That is because there has not been a community meeting held since 2013 to learn what, if any, other use the community would prefer for the property. It also suggests that the Mayor's office did not consider alternative uses or the community's wishes when putting forward this proposal. That the Mayor is acting to circumvent the surplus process is telling, as there is a groundswell of community support for Old Hardy to be retained by the District for use by DCPS. To be frank, there is little argument to be made that this property has no use by the District. As defined under District law, Old Hardy is not surplus.

In addition, the Mayor has paired the permanent legislation sent to the Council with emergency and temporary legislation that would dispose of Old Hardy immediately. But there is no emergency here. The Lab School's current lease runs through 2023, giving the school over four years to renew the lease or find alternate space. It is worth noting, however, that moving this lease as an emergency would mean no hearing, and also no testimony from the public on the Executive's plan. That is unacceptable. It also verges on the absurd for the Executive to suggest an emergency requiring them to dispose of potential school space in Ward 3, while having taken little to no action over the past two years to address overcrowding in the ward – the real emergency for the schools and families in my ward. (Note, the additions at Key and Stoddert Elementary Schools will replace demountable trailers and are unlikely to add additional seats) If the Council is to consider this proposal, it must be in the normal course, through the legislatively required process with a hearing, public testimony, and actual consideration of how Old Hardy should be used – not a rush job predicated on an unfounded “emergency.”

I write to each of you today to ask that you support me in opposition to this legislation, including the underlying emergency. I and the residents of Ward 3 have given the Executive more than two years to devise a plan for over-enrollment at Ward 3 schools. They have come forward with nothing. It is unacceptable for the Executive to now seek to dispose of Old Hardy, the only District-owned property in Ward 3 available to help alleviate this problem.

Thank you for your support.

Best,



Mary M. Cheh

Cc: Mayor Muriel Bowser

Cc: Deputy Mayor for Education Paul Kihn

Cc: DCPS Chancellor Lewis Ferebee