



DISTRICT OF COLUMBIA PUBLIC SCHOOLS

OFFICE OF THE CHANCELLOR
OFFICE OF THE GENERAL COUNSEL
825 North Capitol Street, NE, 9TH Floor
Washington, D.C., 20002-1994
(202) 442-5000 – fax: (202) 442-5097/8

August 28, 2008

Anne Sullivan
Commissioner (SMD 3E 05)
Advisory Neighborhood Commission 3E
4431 Springdale Street, NW
Washington, DC 20016

RE: Response to July 18, 2008 Freedom of Information Act Request # 0708-87

Dear Ms. Sullivan:

On July 18, 2008, you forwarded a Freedom of Information Act request to the District of Columbia Public Schools (DCPS) requesting the following:

1. The complete administrative record underlying the decision to allow non-educationally related private development on the campus of Bernard T. Janney Elementary School.
2. The complete administrative record underlying the decision that LCOR's proposal represented the best approach to the meeting Janney Elementary School's facilities needs.
3. All documents relevant to the claim that Janney students will be able to remain on campus (or "swing in place") if a public-private joint redevelopment project is pursued at this site.
4. All materials and documents reflective of the site-planning that DCPS has done for Janney's modernization and expansion.
5. All documents reflecting discussions within DCPS or between DCPS and others (individuals, contractors, other governmental agencies or officials) regarding Janney's position in the modernization queue or status in the Master Facilities Plan.
6. All documents including discussions of how / whether the issue of overcrowding should be addressed in the Master Facilities Plan and / or affect the prioritization of the modernization queue.
7. All documents referring or relating to the public / private partnership for or development of the Site from April 1, 2008 until the date on which this FOIA request has been fully satisfied.
8. All documents referring or relating to communications with anyone (including but not limited to other governmental entities and their representatives, developers, businesses, non-profit organizations, any DC Council Member or member of his/her staff) concerning the possible development of the Site from April 1, 2008 until the date on which the FOIA request has been fully satisfied.

9. All documents regarding modernization, expansion, or repairs of Janney Elementary School more generally from April 1, 2008 until the date on which this FOIA request has been fully satisfied.

Please be advised that DCPS does not have in its possession documents responsive to your requests. As previously advised, you will have to make a separate FOIA request to the Office of Public Education Facilities Modernization and the Office of the Deputy Mayor for Education for these documents. If you have any questions regarding this response, please contact the Office of the General Counsel at (202) 442-5000. Otherwise, please note that if you are dissatisfied with the decisions contained in this letter, you may appeal the decisions in writing by sending a letter to: FOIA Appeal, 1350 Pennsylvania Ave., N.W., Suite 221, Washington, D.C. 20004. Thank you.

Sincerely,

/s/

Nicole L. Streeter
Deputy General Counsel
District of Columbia Public Schools

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PUBLIC EDUCATION FACILITIES MODERNIZATION



Allen Y. Lew
Executive Director

2400 East Capitol Street, SE
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Phone: (202) 698-7762

August 28, 2008

Anne Sullivan
Commissioner (SMD 3E 05)
Advisory Neighborhood Commission 3E
4431 Springdale Street, N.W.
Washington, DC 20016

Subject: Janney Elementary School

Reference: FOIA Request Response

Dear Ms. Sullivan:

In response to your letter received by the Office of Public Education Facilities Modernization ("OPEFM") on July 8, 2008 pursuant to which you requested disclosure under the Freedom of Information Act of information related to plans for Janney Elementary please find responses to your specific requests below.

1. **The complete administrative record** underlying the decision to allow non-educationally related private development on the campus of Bernard T. Janney Elementary School. **OPEFM has no responsive records.**
2. **The complete administrative record** underlying the decision that LCOR's proposal represented the best approach to meeting Janney Elementary School's facilities needs. **OPEFM has no responsive records.**
3. All documents relevant to the claim that Janney students will be able to remain on campus (or "swing in place") if a public-private joint redevelopment project is pursued at this site. **OPEFM has no responsive records.**
4. All materials and documents reflective of the site-planning that OPEFM has done for Janney's modernization and expansion. **As part of its Master Facilities Plan process, OPEFM has produced numerous iterations of draft plans for modernization of DCPS facilities. These draft plans are exempt from disclosure pursuant to DC ST § 2-534(a)(4).**

Ms. Ann Sullivan
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5. All documents reflecting discussions within OPEFM or between OPEFM and others (individuals, contractors, other governmental agencies or officials) regarding Janney's position in the modernization queue or status in the Master Facilities Plan. **As part of its Master Facilities Plan process, OPEFM has produced numerous iterations of draft modernization schedules for DCPS facilities. These draft plans are exempt from disclosure pursuant to DC ST § 2-534(a)(4).**
6. All documents including discussions of how/whether the issue of overcrowding should be addressed in the Master Facilities Plan and/or affect the prioritization of the modernization queue. **OPEFM has no responsive records.**
7. All documents referring or relating to the public/private partnership for or development of the Site from June 1, 2007 until the date on which this FOIA request has been fully satisfied. **OPEFM has no responsive records.**
8. All documents referring or relating to communications with anyone (including but not limited to other government entities and their representatives, developers, businesses, non-profit organizations, any DC Council Member or member of his/her staff) concerning the possible development of the Site from June 1, 2007 until the date on which the FOIA request has been fully satisfied. **OPEFM has no responsive records.**
9. All documents regarding modernization, expansion, or repairs of Janney Elementary School more generally from June 1, 2007 until the date on which this FOIA request has been fully satisfied. **Janney received repair work under the 2007 Summer Blitz program. An overview of the scope of work excerpted from the Summer 2007 Blitz tracking report is attached. Should you require a more specific scope of work, please let me know and we will provide one.**

Please be advised that certain responsive materials, including the evaluation panel score sheets, are exempt and have not been disclosed.

Please also be advised that you may petition the Mayor pursuant to DC ST § 2-537 to review the decision to withhold these documents pursuant to the exemptions at DC ST § 2-534.

If you have any additional question, please call me at (202) 345-7016 or contact me by email at scott.burrell@dc.gov.

Sincerely,


Scott A. Burrell
General Counsel