

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY



Office of Government Ethics



In Re: A [REDACTED] Wilson  
Case No.: 1031-016

PUBLIC NEGOTIATED DISPOSITION

Pursuant to section 221(a)(4)(A)(v)<sup>1</sup> of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 et seq.), the Office of Government Ethics (“OGE”) hereby enters into this Public Negotiated Disposition with the Respondent, A. Wilson. Respondent agrees that the resulting disposition is a settlement of the above-titled action, detailed as follows:

I. FINDINGS OF FACT

Respondent was the Chancellor for the District of Columbia Public Schools (“DCPS”) from February 1, 2017 until February 20, 2018. As the Chancellor, Respondent was in charge of the administration of DCPS, including continuing and instituting reforms and systematic changes, such as curriculum and program offerings, in order to effect continued positive changes at DCPS.

Section 2106.6 of Title 5E of the D.C. Municipal Regulations, provided Respondent with the authority to grant discretionary out-of-boundary transfers to students who desired to attend DCPS schools other than their assigned in-boundary schools, but who were not offered placement in their preferred out-of-boundary schools through the My School DC Lottery program. On May 12, 2017, after it was found that the previous DCPS Chancellor had abused this authority by granting discretionary out-of-boundary transfers for the children of certain public officials, Mayor Muriel Bowser issued Mayor’s Order 2017-125, Creation of a Policy Regarding Out-of-Boundary Transfers. This Order halted the granting of discretionary out-of-boundary transfers and required Respondent to publish a policy clarifying the criteria under which such discretionary transfers would be granted. It also required the Respondent and any other public officials appointed by the Mayor to consult with the Board of Ethics and Government Accountability (“BEGA”) prior to granting a discretionary out-of-boundary transfer or requesting such a transfer, respectively.

Shortly afterwards, Respondent issued Chancellor’s Directive #103, Discretionary Out-of-Boundary Transfers Policy, which established standards governing the Chancellor’s discretionary out-of-boundary transfer decisions, and created an advisory committee to evaluate such

---

<sup>1</sup> Section 221(a)(4)(A) of the Ethics Act provides, in pertinent part, that “[i]n addition to any civil penalty imposed under this title, a violation of the Code of Conduct may result in the following: . . . Any negotiated disposition of a matter offered by the Director of Government Ethics, and accepted by the respondent, subject to approval by the Ethics Board.”

discretionary transfer requests and provide recommendations to the Chancellor. The Directive also explicitly prohibited the Chancellor from approving discretionary out-of-boundary transfers for students whose parent or guardian is a current or former public official. Specifically, the Directive states, “[t]his discretionary transfer process is not available for current or former public officials.” On July 12, 2017, Chancellor’s Directive #103 was adopted by Mayor’s Order 2017-158. In both Mayor’s Order 2017-125 and Mayor’s Order 2017-158, the term, “public official” was defined in accordance with D.C. Official Code § 1-1161.01(47).<sup>2</sup> Because the Respondent’s position as Chancellor of DCPS was classified within the Executive Service, he was a “public official” within the meaning of both Mayor’s Order 2017-125 and Mayor’s Order 2017-158, as well as his own Chancellor’s Directive #103.

At the beginning of the 2017-2018 school year, Respondent’s daughter was having a difficult experience at her school, Duke Ellington School of the Arts. Respondent’s wife wanted to withdraw their daughter from that school. However, Respondent believed that he would face heavy scrutiny due to his position as DCPS Chancellor if his children did not attend a DCPS school, so he and his wife agreed that their daughter would remain a DCPS student if she could attend a different school. Respondent informed his direct supervisor – Deputy Mayor for Education Jenifer Niles (“DM Niles”) – of the situation and inquired whether his daughter could be transferred to another school. During his interview with OGE staff members, Respondent stated that his wife exercised responsibility for handling their children’s educational matters due to his official position within the school system. Respondent testified that DM Niles instructed the Respondent to not involve himself further in the issue, indicating that she would work with his wife to address the issue, and his testimony on the point is corroborated by the testimony provided by DM Niles. The Respondent testified that he made it clear at the time that he was willing to remove his daughter from DCPS schools and pursue private school options if a transfer

---

<sup>2</sup> (47) “Public official” means:

- (A) A candidate for nomination for election, or election, to public office;
- (B) The Mayor, Chairman, and each member of the Council of the District of Columbia holding office under Chapter 2 of this title;
- (C) The Attorney General;
- (D) A Representative or Senator elected pursuant to § 1-123;
- (E) An Advisory Neighborhood Commissioner;
- (F) A member of the State Board of Education;
- (G) A person serving as a subordinate agency head in a position designated as within the Executive Service;
- (G-i) Members of the Washington Metropolitan Area Transit Authority Board of Directors appointed by the Council pursuant to § 9-1107.01(5)(a);
- (G-ii) A Member or Alternate Member of the Washington Metrorail Safety Commission appointed by the District of Columbia pursuant to Article III.B. of the Metrorail Safety Commission Interstate Compact [§ 9-1109.11(III)(B)];
- (H) A member of a board or commission listed in § 1-523.01(e);
- (I) A District of Columbia Excepted Service employee, except an employee of the Council, paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and any additional employees designated by rule by the Board of Ethics and Government Accountability who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or appearance of a conflict of interest; and
- (J) An employee of the Council paid at a rate equal to or above the midpoint rate of pay for Excepted Service 9.

to a suitable DCPS school was not permitted by applicable DCPS rules and policies. Additionally, based on the results of its investigation, BEGA concluded that neither the Respondent nor his wife asked District officials for any specific school placement within DCPS other than a general request for help finding a different school where her academic, social, and emotional needs could be better addressed.

DM Niles instructed Dr. [REDACTED] Spence, DCPS Chief of Secondary Schools, to contact Respondent's wife to assist with the matter. Dr. Spence provided Respondent's wife with a list of potential DCPS schools and subsequently coordinated a site visit for Respondent's daughter to Woodrow Wilson High School ("Wilson High School"). A couple of weeks later, Respondent's daughter transferred to Wilson High School, which at that time had a waitlist of 639 students who had unsuccessfully requested enrollment at the school through the lottery, including 116 students who were enrolled in the same grade level as Respondent's daughter. DCPS did not offer any seats at Wilson to students who applied through the lottery and were waitlisted at the time the Chancellor's daughter transferred to the school.

Respondent was aware of Mayor's Orders 2017-125 and 2017-158 when he requested assistance from DM Niles. Respondent acknowledged that he approved Chancellor's Directive #103, but asserted that the Directive only meant that he would not be involved in transferring children of public officials. Respondent testified that by seeking guidance from his direct supervisor, DM Niles, he believed that he was doing the right thing and essentially recusing himself from the decision-making process related to his daughter's transfer efforts. Respondent also indicated that he had informed the Mayor of his daughter's issues, her need to change schools, and that DM Niles was working with his wife to pursue a transfer for his daughter. Additionally, Respondent testified that he had previously informed the Mayor that his daughter had been transferred to Wilson HS, which testimony is corroborated by the testimony of DM Niles. Respondent further testified that if he had been informed by his chain of command that a transfer to an out-of-boundary DCPS school for his daughter was not possible at all due to his position as Chancellor and/or that his daughter's transfer to Wilson High School was prohibited, he would have accepted that answer and enrolled his daughter in a private school. Respondent asserted that he never questioned the transfer process he was directed to follow and believed that everyone was focused on ensuring that his family transitioned well and that he remained focused on the job at hand. Respondent testified that Fall 2017 was an extremely difficult time for his family, that his daughter was negatively affected socially and emotionally by her experience at Duke Ellington School of the Arts and that his main goal was to get his daughter into a school where she felt safe and comfortable, without breaking any applicable rules. Respondent asserted that when the transfer happened, he was only seven months new to the area, had never enrolled a child in the District, and did not understand how the District's school structure differed from other school districts he worked in. Respondent stated that all of his efforts were focused on leading the school district in eliminating the achievement gaps and improving the communication and culture within the school district. Respondent also stated that he tried to follow all policies and always worked to live up to his strong values of integrity.

## II. NATURE OF VIOLATIONS

According to OGE, Respondent violated one section of the District's Code of Conduct, as set

forth below:<sup>3</sup>

- **One:** District Personnel Manual (“DPM”) § 1800.3(n), which states, “[a]n employee shall not take actions creating the appearance that they are violating the law or the ethical standards set forth in this chapter.”

This section states that “an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.” DPM § 1800.3(h) states that “[e]mployees shall act impartially and not give preferential treatment to any private organization or individual.” As the DCPS Chancellor, Respondent constituted a “public official” as defined in Mayor’s Orders 2017-125 and 2017-158, as well as his own Directive #103. Even though Respondent’s expressed goal was to comply with all applicable rules while attempting to improve his daughter’s school situation, he was aware of the prohibition against providing school transfers for the children of public officials, as expressed in those Mayor’s Orders and his own directive. Notwithstanding his subjective intentions to comply with the rules governing out-of-boundary transfers, Respondent’s acceptance of his daughter’s transfer to Wilson High School under these circumstances unfortunately created the appearance that he violated the District’s ethics standards. Respondent acknowledges that he understands how his conduct created the appearance of violating the Code of Conduct. Respondent contends that it is his desire to move past this issue and to focus on the future.

### III. TERMS OF THE NEGOTIATED DISPOSITION

In consideration of Respondent’s acknowledgement and agreement, OGE will seek no further remedy and will take no further action related to the above misconduct. Accordingly, Respondent is hereby “**Reprimanded.**”

The mutual promises outlined herein constitute the entire agreement in this case. Failure to adhere to any provision of this agreement is a breach rendering the entire agreement void. By our signatures, we agree to the terms outlined herein.

[Redacted Signature]

A [Redacted] Wilson

[Handwritten Signature]  
Brent Wolfingbarger  
Director of Government Ethics

February 21, 2019

Date


13  
3-10-2019

Date

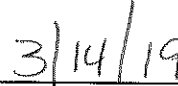
<sup>3</sup> According to D.C. Official Code § 1-1162.01a, the Ethics Act and “the Code of Conduct shall apply to all employees and public officials serving the District of Columbia, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, and Advisory Neighborhood Commissions, but excluding the courts.” The DPM is a part of the Code of Conduct. *See*, D.C. Official Code § 1-1161.01(7)(E).

This agreement shall not be deemed effective unless and until it is approved by the Board of Ethics and Government Accountability, as demonstrated by the signature of the Chairman below.

APPROVED:



\_\_\_\_\_  
Tameka Collier  
Chairperson, Board of Ethics and Government



\_\_\_\_\_  
Date

#1031-016