

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
FISCAL YEAR 2024 COMMITTEE BUDGET REPORT



**TO:** Members of the Council of the District of Columbia

**FROM:** Chairman Phil Mendelson  
Committee of the Whole

**DATE:** April 27, 2023

**SUBJECT:** Report and Recommendations of the Committee of the Whole on the  
Fiscal Year 2024 Budget and Corresponding Budget Support Act

The Committee of the Whole, having conducted hearings and received testimony on the Mayor’s proposed fiscal year 2024 operating and capital budgets for the agencies under its purview, reports its recommendations for consideration by members for inclusion in the final Fiscal Year 2024 Budget. The Committee also comments on several subsections of the Fiscal Year 2024 Budget Support Act of 2023, and makes its own additional proposals.

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# INTRODUCTION

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## **Introduction to this Report**

This report presents the Council of the District of Columbia Committee of the Whole's recommendations regarding funding allocations for the fiscal year 2024 budget for the agencies under the Committee's purview. In addition, the Committee comments on policy priorities and concerns raised during performance oversight and budget hearings, provides comments and amendments on the Mayor's proposed Budget Support Act subtitles, and proposes its own additional subtitles.

## **Committee of the Whole, Overview**

The Committee of the Whole is currently one of ten standing committees of the Council. The Committee of the Whole is responsible for the annual budget; several agencies as outlined in this report; and any other matters assigned to it by the Council's Rules or by the Chairman.

The Chairman of the Council is the Chairman of the Committee of the Whole and its members include all members of the Council. In addition to its oversight and legislative responsibilities, the Committee reviews all measures reported from other committees for completeness of the record, legal sufficiency, and adherence to rules regarding fiscal impact.

## **Committee Review of the Budget**

The Committee is charged with oversight over the performance and annual operating and capital budgets of the agencies under its purview detailed in this report.

In order to review the Mayor's budget proposal, determine the needs of each agency under its jurisdiction, and provide the public

with an opportunity to comment, the Committee held a number of hearings on the proposed budget. The Committee also allowed the public to submit written testimony, and transcribed voicemail testimony. Typical of Council committee budget reports, testimony and written statements are made a part of the record but are not attached to the report.

The Committee has listened to testimony from the public and agency heads to better understand the operations and needs of the various agencies. In this report, the Committee provides analysis of the budget requests, states its concerns, makes revisions, and offers budget policy recommendations.

As such, the Committee presents its recommendations for the District's fiscal year 2024 budget. The Committee believes that the recommendations contained herein provide each agency under its purview with the funds necessary to fulfill its core mission and represent the policy priorities that best serve the people of the District of Columbia.

The Committee also thanks staff of the Committee of the Whole, the Budget Office, and the Office of the General Counsel, without whose support this budget would not have been possible: Evan Cash, Committee and Legislative Director; Blaine Stum, Senior Policy Advisor; LeKisha Jordan, Senior Policy Advisor; Christian Washington, Special Counsel, Raleigh Lancaster, Senior Legislative Counsel; Bijan Verlin, Legislative Policy Advisory; Kaira Smith, Budget Analyst, Office of the Budget Director; Andrew Eisenlohr, Deputy Budget Director; Lauren Mendonsa, Assistant General Counsel; and Daniel Golden, Deputy General Counsel.

**Committee of the Whole 2022/23 Performance Oversight Hearing Schedule**

<p><i>Wednesday, February 22, 2023 at 10:30 a.m.</i></p> <ul style="list-style-type: none"> <li>▪ Metropolitan Washington Airports Authority</li> <li>▪ Metropolitan Washington Council of Governments</li> <li>▪ District of Columbia Auditor*</li> <li>▪ New Columbia Statehood Commission</li> </ul> <p><i>Thursday, February 23, 2023 at 9:30 a.m.</i></p> <ul style="list-style-type: none"> <li>▪ Office of Zoning</li> <li>▪ Office of Planning</li> <li>▪ Department of Buildings</li> </ul> <p><i>Monday, February 27, 2023 at 1:00 p.m.</i></p> <ul style="list-style-type: none"> <li>▪ District of Columbia Retirement Board</li> </ul> <p><i>Monday, February 27, 2023 at 2:00 p.m.</i></p> <ul style="list-style-type: none"> <li>▪ Office of Budget and Planning</li> <li>▪ Other Post-Employment Benefits Fund</li> <li>▪ Commission on the Arts and Humanities</li> <li>▪ University of the District of Columbia</li> </ul>	<p><i>Wednesday, March 1, 2023 at 9:30 a.m.</i></p> <ul style="list-style-type: none"> <li>▪ Education Public Witnesses</li> </ul> <p><i>Friday, March 3, 2023 at 9:30 a.m.</i></p> <ul style="list-style-type: none"> <li>▪ State Board of Education</li> <li>▪ Office of the Student Advocate</li> <li>▪ Ombudsman for Education</li> <li>▪ DC State Athletic Association</li> <li>▪ Office of the Deputy Mayor for Education</li> <li>▪ D.C. Public Charter School Board</li> <li>▪ Office of the State Superintendent of Education</li> <li>▪ District of Columbia Public Schools</li> </ul>
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\* Testimony for the Record

**Committee of the Whole Fiscal Year 2024 Budget Hearing Schedule**

<p><i>Tuesday, March 28, 2023 at Noon</i></p> <ul style="list-style-type: none"> <li>▪ Office of Zoning</li> <li>▪ Office of Planning</li> <li>▪ Department of Buildings</li> </ul> <p><i>Thursday, March 30, 2023 at 9:00 a.m.</i></p> <ul style="list-style-type: none"> <li>▪ University of the District of Columbia</li> <li>▪ Commission on the Arts and Humanities</li> <li>▪ Council of the District of Columbia</li> </ul> <p><i>Wednesday, April 5, 2025 at 9:00 a.m.</i></p> <ul style="list-style-type: none"> <li>▪ Education Public Witnesses</li> </ul>	<p><i>Thursday, March 18, 2022 at Noon</i></p> <ul style="list-style-type: none"> <li>▪ Council of the District of Columbia</li> <li>▪ District of Columbia Auditor</li> <li>▪ Office of Budget and Planning</li> <li>▪ New Columbia Statehood Commission</li> <li>▪ District of Columbia Retirement Board</li> <li>▪ Other Post-Employment Benefits Fund</li> </ul> <p><i>Tuesday, June 8, 2022 at 9:00 a.m.</i></p> <ul style="list-style-type: none"> <li>▪ State Board of Education</li> <li>▪ Office of the Student Advocate</li> <li>▪ Ombudsman for Education</li> <li>▪ DC State Athletic Association</li> <li>▪ Office of the Deputy Mayor for Education</li> <li>▪ D.C. Public Charter School Board</li> <li>▪ Office of the State Superintendent of Education</li> <li>▪ District of Columbia Public Schools</li> </ul>
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## SUMMARY TABLES

### COMMITTEE TRANSFERS SUMMARY TABLE

*(whole dollars)*

Committee	Description	Amount	Type
Committee on Facilities and Family Services	Transfer In: Jackson-Reed High School Auditorium Improvements	\$550,000	Capital (FY24)
Committee on Judiciary and Public Safety	Transfer In: Funding for Retirement Costs for Law 19-311 (Presumptive Disability)	\$936,000	Local Recurring (FY25-27)
	Transfer In: Hardy Middle School Auditorium and Locker Improvements	\$675,000	Capital (FY24)
	Transfer In: Garrison Elementary School Athletic Field Improvements	\$1,450,000	Capital (FY24)
Committee on Health	Transfer In: Partial Restoration of Healthy Schools Funding	\$419,082	Local Recurring (FY24)
		\$259,041	Local One Time (FY24)
Committee on Housing	Transfer In: Funding for Implementation of Bill 25-5 (Pathways to Behavioral Health)	\$1,242,180	Local Recurring (FY24)
Committee on Public Works and Operations	Transfer In: Funding for Amendatory Sec.9d of Bill 24-68 (Vendors)	\$150,000	Local One Time (FY24)
	Transfer In: Columbia Heights & Mt. Pleasant Public Study & Street Guidelines	\$400,000	Local One Time (FY24)
	Transfer In: Two Grade 12 Community Planners for Office of Planning	\$225,045	Local Recurring (FY24)
Committee on Transportation and the Environment	Transfer Out: Pay-as-you-Go Capital Funds (Total Over Financial Plan)	(\$115,064,997)	Local Recurring (FY24-27)
Committee on Business and Economic Development	Transfer In: Funding to support the DC State Athletics Commission	\$168,000	Local One Time (FY24)
	Transfer Out: Pay-as-you-Go Capital Funds (Total Over Financial Plan)	(\$21,000,000)	Local Recurring (FY24-27)

# AGENCY FY 2024 MAJOR OPERATING CHANGES SUMMARY

*(dollars in whole dollars)*

Agency	Amount	Type	Description
District of Columbia Auditor	(\$150,528)	One Time Local	Reduce Contractual Services
Commission on the Arts and Humanities	\$5,091,650	Dedicated Taxes	Create new Large Capital Grant Program
	(\$4,688,189)	Dedicated Taxes	Reduction of proposed enhancement for four existing grant programs
	(\$403,461)	Dedicated Taxes	Reduction of 5.0 new FTEs for Administrative Costs
Office of Planning	\$145,000	Recurring Local	New Archaeologist in Historic Preservation Office
	\$250,000	One Time Local	Double Historic Homeowner Grant Program funding
	\$225,045	Recurring Local	Two New Community Planner FTEs in Neighborhood Planning Office
	\$150,000	One Time Local	Study to Implement a portion of the Street Vendor Advancement Act
	\$400,000	One Time Local	Columbia Heights/Mt. Pleasant Public Space and Streetscape Guideline Plan
Department of Buildings	\$554,129	Recurring Local	Six new Building Inspectors for Department of Buildings
DC Public Charter Schools	\$9,375,754	Recurring Local	Increase At-Risk concentration by .02 (amount over the financial plan)
	\$495,021	One Time Local	Correction to fund the charter sector at-risk concentration weight
DC Public Schools	\$9,696,349	Recurring Local	Increase At-Risk concentration by .02 (amount over the financial plan)
	\$1,000,000	One Time Local	Increase Enrollment Reserve
	\$2,000,000	One Time Local	Create new Mid Year Mobility Fund
	\$23,907,286	Recurring Local	Implement the Schools First in Budgeting Act of 2022
	\$2,525,000	One Time Local	Swap IMPACTplus funding source from Local to ESSER III
	\$1,492,298	One Time Local	Correction to fully fund DCPS under UPSFF at-risk concentration of .05
State Board of Education	\$300,000	One Time Recurring	Funding for 3.0 new FTEs for SBOE, the Ombudsman, and the Student Advocate
State Superintendent of Education	\$621,747	One Time Local	Partial Restoration of funds to the Healthy Schools Act Fund
	\$200,620	Recurring Local	
	\$1,900,000	One Time Local	Provide grant funds for a Non-Profit healthy food provider

Agency	Amount	Type	Description
	(\$629,209)	Recurring Local	Elimination of 4.75 long-vacant FTEs
DC State Athletics Association	\$168,000	One Time Local	Enhancement for school sports programming
Pay-As-You-Go Fund	(\$49,111,289)	One Time Local	Reduction to Transfer to Committees
Non-Departmental	(\$2,977,003)	One Time SPR	Reduce Unbudgeted Special Purpose Projected Revenues
	\$1,242,180	Recurring Local	Hold Funds to Implement Bill 25-5, Pathways to Behavioral Health Act

# AGENCY FY 2024 CAPITAL BUDGET SUMMARY TABLE

(thousands of dollars)

The Mayor’s proposed fiscal year 2024 capital budget for agencies under the purview of the Committee of the Whole includes the following capital projects in fiscal year 2024. The Committee recommends adoption of the capital budget as shown below.

Project No.	Project Title	Available Allotment	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028 Budget	FY 2029 Budget	Total FY 2024-29
<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b>									
WIL04C	John A. Wilson Building Fund	1,259	0	0	0	0	0	0	0
WIL05C	IT Upgrades	5,061	0	0	0	0	0	0	0
<b>Total</b>		<b>6,320</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>OFFICE OF ZONING</b>									
JM102C	Zoning Information Technology Systems	169	198	0		0	0	0	198
<b>Total</b>		<b>169</b>	<b>198</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>198</b>
<b>COMMISSION ON THE ARTS AND HUMANITIES</b>									
CHH04C	Charles Hamilton Houston Bronze Statue	300	0	0	0	0	0	0	0
<b>Total</b>		<b>300</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DEPARTMENT OF BUILDINGS</b>									
ISM23C	IT Systems Modernization	2,000	2,500	0	0	0	0	0	2,500
FRB23C	Fleet Vehicles Replacement - DOB	1,706	39	199	205	211	440	269	1,363
<b>Total</b>		<b>3,706</b>	<b>2,539</b>	<b>199</b>	<b>205</b>	<b>211</b>	<b>440</b>	<b>269</b>	<b>3,863</b>
<b>DISTRICT OF COLUMBIA PUBLIC SCHOOLS</b>									
Multiple	Mayor’s Proposed DCPS Capital Projects	537,269	538,499	424,580	447,382	428,164	467,847	420,971	2,727,443
NF937C	COW Enhance: Hardy Auditorium/Lockers		675	0	0	0	0	0	675
YY183C	COW Enhance: Garrison Athletic Fields		1,450	0	0	0	0	0	1,450
	COW Enhance: Jackson-Reed Auditorium		550	0	0	0	0	0	550
<b>Total</b>		<b>537,269</b>	<b>541,174</b>	<b>424,580</b>	<b>447,382</b>	<b>428,164</b>	<b>467,847</b>	<b>420,971</b>	<b>2,730,118</b>
<b>OFFICE OF THE DEPUTY MAYOR FOR EDUCATION</b>									
GW101C	P 20 W System	0	1,230	2,162	91	0	0	0	3,483
<b>Total</b>		<b>0</b>	<b>1,230</b>	<b>2,162</b>	<b>91</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,483</b>
<b>OFFICE OF THE STATE SUPERINTENDENT FOR EDUCATION</b>									
ATCG1C	CTE Advanced Technical Center 1	8,739	0	0	0	0	0	0	0
EMG16C	Educational Grant Management System II	57	0	0	0	0	0	0	0
GD001C	Data Infrastructure	4,470	4,188	0	0	0	0	0	4,188
GDMMSC	Common Lottery: My School DC	1,094	0	0	0	0	0	0	0
MODARC	New Statewide Special Education Data Sys	778	0	0	0	0	0	0	0
SIS01C	Single State-Wide Student Information Sys	37	0	0	0	0	0	0	0
<b>Total</b>		<b>15,175</b>	<b>4,188</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,188</b>
<b>UNIVERSITY OF THE DISTRICT OF COLUMBIA</b>									
ET940C	Higher Education Back Office	1,896	0	0	0	0	0	0	0
UG706-C	Renovation of University Facilities	20,572	0	0	0	0	0	0	0
UG709-C	Workforce Development CC Needs	5,026	0	0	0	0	0	0	0
UG710-C	UDC STEM/IT Buildout	7,476	0	0	0	0	0	0	0
UG711-C	Bertie Backus Beautification	382	0	0	0	0	0	0	0
UG712-C	4250 Connecticut Ave Renovation	12,000	28,000	0	0	0	0	0	28,000
UG713-C	Backus Expansion	15,000	20,000	0	0	0	0	0	20,000
UG714-C	Roof, Windows & Elevators	4,500	2,000	3,000	2,000	0	0	0	7,000
UG715-C	MEP, HVAC, and IT Upgrades	13,500	5,000	5,000	15,000	0	24,500	0	49,500
UG716-C	Van Ness Exterior/Plaza Paver Restoration	5,000	5,000	5,000	4,000	0	0	0	14,000
UG718-C	Classroom/Lab Renovation/Modernization	0	5,000	5,000	10,000	0	3,000	0	23,000
<b>Total</b>		<b>85,352</b>	<b>65,000</b>	<b>18,000</b>	<b>31,000</b>	<b>0</b>	<b>27,500</b>	<b>0</b>	<b>141,500</b>
<b>SPECIAL EDUCATION TRANSPORTATION</b>									
101130	Clean Cshool Bus Rebates	7,625	0	0	0	0	0	0	0
BRM15C	1601 W Street NE Building Renovation	14,231	0	0	0	0	0	0	0
BRM16C	2215 5th Street NE Building Renovations	9,932	0	0	0	0	0	0	0
BU05B0C	Bus-Vehicle Replacement	1,428	590	2,296	2,365	2,436	2,509	2,584	12,780
BU405C	Primary Bus Terminal	217	0	0	0	0	0	0	0
BU501C	DOT GPS	102	838	0	0	0	0	0	838
<b>Total</b>		<b>33,535</b>	<b>1,428</b>	<b>2,296</b>	<b>2,365</b>	<b>2,436</b>	<b>2,509</b>	<b>2,584</b>	<b>13,618</b>
<b>GRAND TOTAL</b>		<b>681,826</b>	<b>615,757</b>	<b>447,237</b>	<b>481,043</b>	<b>430,811</b>	<b>498,296</b>	<b>423,824</b>	<b>2,896,968</b>



## AGENCY FISCAL YEAR 2024 BUDGET RECOMMENDATIONS

The Committee presents the following with regard to the agencies and programs under its purview. The information contained herein provides for each agency: (I) a brief overview of its purpose and function; (II) a summary of the Mayor’s fiscal year 2024 budget proposal; (III) commentary on issues and concerns the Committee has identified; and (IV) highlights of the recommended changes to the proposed budget as well as policy recommendations.

Some agencies under the purview of the Committee of the Whole are “paper agencies” which are used primarily for balancing purposes in conjunction with the final budget. Thus, the Committee of the Whole does not provide comments on those budget chapters under its purview.

Detailed funding changes, including budget attributes, are attached to the Committee Report reflecting all proposed budget and financial plan changes from the Mayor’s proposed budget.

# COUNCIL OF THE DISTRICT OF COLUMBIA

### I. AGENCY OVERVIEW

The Council of the District of Columbia is the legislative branch of the District of Columbia government. The Council sets policy through the enactment of laws. The Council is comprised of 13 members – a representative elected from each of the eight wards and five members, including the Chairman, elected at-large. The Council conducts its work through standing committees and Councilmember staff that perform legislative research, bill drafting, budget review, program and policy analysis, and constituent services.

**Table AB-A: Council of the District of Columbia  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Proposed 2024	Committee 2024	Change
<b>Operating Funds</b>	27,189	29,024	32,879	33,659	33,659	0
<b>Operating FTEs</b>	197.0	214.0	227.0	221.0	221.0	0
<b>Capital Funds</b>	910	1,355	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. PROPOSED BUDGET

### Proposed Fiscal Year 2024 Operating Budget<sup>1</sup>

The Fiscal Year 2024 budget proposal for the Council of the District of Columbia is \$33,659, an increase of \$780, or 2.4 percent, from the current fiscal year. The proposed budget supports 221.0 FTEs, which represents a decrease of 6.0, or 2.6 percent, from the current fiscal year.

**Local Funds:** The proposed budget is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed Fiscal Year 2024 (FY 2024) budget and agency performance over the last year.

***FY 2022 and FY 2023 Accomplishments:*** The Secretary to the Council is responsible for internal administrative, budget, and operational support to the Council. Other central offices include the Office of the General Counsel, which provides legal counsel and legislative advice, the Office of the Budget Director, which provides advice and support in crafting the annual District budget, and Information Technology.

**Supporting Council Employees.** The Council continues to offer a number of Council-only programs to support recruitment and retention including student loan repayment, retirement matching funds, and Metro transit subsidy.

**Racial Equity.** The Council implemented the Council Office on Racial Equity (CORE) in Council Period 24. In 2022 CORE published 134 Racial Equity Impact Assessments (REIA). Under the Council Period 25 Council Rules, the scope of legislation Racial Equity Impact Assessments was concentrated to include most permanent legislation. Under the new procedures, CORE will generate a REIA based on introduced version of a bill that a committee has held a hearing on, with further refinements at markup. To date in 2023, CORE has published 2 REIAs on permanent legislation. In addition, in FY23, the Council added positions for CORE bringing its full time staff to 6. In addition to issuing REIAs, CORE has hosted trainings for Council staff on the REIA process, racial equity in hiring, and other information sessions. CORE has had extensive engagement with the public and organizations to receive feedback on lived experiences, concerns, and visions for the future. CORE has also participated in speaking engagements from universities, other governmental organizations, and community organizations to discuss racial equity.

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<sup>1</sup> The Mayor's proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

Additional Accomplishments: Additional accomplishments of the Council, especially with regard to public engagement, are detailed in the testimony of the Secretary included in the hearing record for the April 6, 2023 budget hearing on the Council.

***FY 2024 Budget:*** The FY 2024 budget recommendation is higher than the FY 2023 budget, but reflects no additional resources to the Council. The increase reflected in the Proposed FY 2024 budget result from an increase in fringe and the inclusion of the District-wide COLAs (4%) which were issued in August and October 2022. Each office’s budget will remain flat for the upcoming fiscal year. However, within that budget, there have been reallocations year over year allowing for an additional staff person for CORE and an additional staff person for Information Technology. Funding is also available to convert the Council’s hybrid vehicle fleet to electric, to conduct an archival audit of Council records, to continue work on the Council’s new Hearing Management System which will house testimony and provide a single signup portal, and to plan for the 50<sup>th</sup> anniversary of Home Rule.

***Council Information Technology Fund:*** The Council has a Council Technology Projects Fund that captures all excess monies remaining in the operating budget for the Council at the end of each fiscal year in the form of capital funds. Therefore, any underspending by the Council supports future information technology needs of the Council. The Fund is administered by the Council Chief Technology Officer and currently has a pre-encumbered available balance of approximately \$1.3 million.

#### IV. COMMITTEE RECOMMENDATIONS

*Committee’s Recommended Fiscal Year 2024 Operating Budget*

The Committee recommends adoption of the Fiscal Year 2024 budget for the Council of the District of Columbia as proposed.

## OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR

#### I. AGENCY OVERVIEW

The Office of the District of Columbia Auditor (ODCA) was established by the United States Congress in section 455 of the Home Rule Act, approved December 24, 1973 (87 Stat. 803; DC Official Code § 1-204.55). ODCA’s mission is to “support the Council of the District of Columbia by conducting audits that improve the economy, efficiency, and accountability of District government.” ODCA is also required to certify revenue estimates in support of general obligation bonds issued by the District government. Additionally, D.C. Official Code §1-

204.55(c) states: “(t)he District of Columbia Auditor shall have access to all books, accounts, records, reports, findings, and all other papers, things, or property belonging to or in use by any department, agency, or instrumentality of the District government and necessary to facilitate the audit.”

Pursuant to the Home Rule Act, the District of Columbia Auditor is appointed by the Chairman of the Council, subject to the approval of a majority of the Council. Under D.C. Official Code § 1-205.55(b), the District of Columbia Auditor, whose term of appointment is six years, is required “each year [to] conduct a thorough audit of the accounts and operations of the government of the District.”

**Table AC-A: Office of the District of Columbia Auditor  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2021	Approved 2023	Proposed 2024	Committee 2024	Change
<b>Operating Funds</b>	5,075	5,257	7,676	7,798	7,648	(150)
<b>Operating FTEs</b>	26.5	34.7	40.6	40.8	40.8	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. PROPOSED BUDGET

### Proposed Fiscal Year 2024 Operating Budget<sup>2</sup>

The Fiscal Year 2024 budget proposal for the Office of the District of Columbia Auditor is \$7,676, an increase of 122, or 1.6 percent, from the current fiscal year. The proposed budget supports 40.8 FTEs, an increase of 0.2, or 0.4 percent, from the current fiscal year.

**Local Funds:** The proposed budget is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Discretionary Audits Carry Over Funding:** Beginning with FY 2021, the Council authorized the Auditor to carry over unspent funds to be used in a subsequent fiscal year. This

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<sup>2</sup> The proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

enables additional flexibility in scheduling the timing for audits and conducting additional discretionary audits. These funds are anticipated to be used for contract audits for purposes related to policing given that the Deputy Auditor for Public Safety has not yet been stood up.

***Deputy Auditor for Public Safety:*** The Fiscal Year 2022 budget for the Auditor included funding for a new Deputy Auditor for Public Safety that is anticipated to be implanted under Comprehensive Policing and Justice Reform legislation which is expected to complete congressional review in May 2023. The Committee is hopeful that the new unit will be stood up in fiscal year 2023. However, due to funds being loaded in since 2022 for the office, there is likely some salary lapse contained in the fiscal year 2023 budget. As noted above, some of this is anticipated to be used for contract audits.

***Audit Mandates:*** According to the Auditor recommended that her office work with the Council on legislation to remove unnecessary statutory audits. In 2022, the Auditor identified a number of unnecessary or outdated audit mandates, and the Council adopted legislation repealing those audits. As always, the Committee recommends that the Auditor continue to identify unnecessary or outdated audit mandates and identify those to the Committee should they need to be repealed from the code.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Office of the District of Columbia Auditor as proposed with the following changes:

1. Reduction of **\$150,528.00** in contractual services available due to delayed implementation of the Deputy Auditor for Public Safety.

##### Policy Recommendations

1. The Committee recommends that the Auditor implement the Deputy Auditor for Public Safety upon the permanent legislation authorizing that unit becoming permanent law.
2. The Committee recommends that the Auditor continue to note potentially unnecessary statutory audits and work with the Committee on future legislation to revise additional mandates.

# METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

## I. AGENCY OVERVIEW

“Region Forward” is the mission and commitment by the Metropolitan Washington Council of Governments (COG). COG’s member governments include 24 local jurisdictions. Also participating are representatives of the Maryland and Virginia State Legislatures, as well as the U.S. Congress. The member governments work together on a variety of issues regarding transportation, public safety, the environment, and human services. To make “Region Forward” a reality, COG serves as a discussion forum, expert resource, issue advocate, and catalyst for action. It also fosters cooperative relationships among government bodies throughout the metropolitan region, advocates quality of life for all, promotes better air and water quality, encourages a multi-modal transportation system that prioritizes management, performance, maintenance, and promotes regional emergency response coordination planning.

For nearly 60 years, COG has helped tackle metropolitan Washington’s biggest challenges, such as restoring the Anacostia River, ensuring that the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system was fully built, and strengthening emergency preparedness after September 11, 2001. Most recently COG had been tasked with helping the District, Maryland, and Virginia develop a new State Safety Oversight Agency for the WMATA Metrorail system, the Metrorail Safety Commission, as well as assisting the three jurisdictions in securing long-term dedicated funding for WMATA. COG is supported by financial contributions from its participating local governments, federal and state grants and contracts, and donations from foundations and the private sector.

**Table EA-A: Metropolitan Washington Council of Governments  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	586	555	1,206	1,227	1,227	0
<b>Operating FTEs</b>	0	0	0	0	0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR'S PROPOSED BUDGET

### Mayor's Proposed Fiscal Year 2024 Operating Budget:<sup>3</sup>

The Mayor's Fiscal Year 2024 budget proposal for Metropolitan Washington Council of Governments is \$1,227,133 an increase of \$21,600 or 1.8 percent, from the current fiscal year. The proposed budget supports no FTEs, representing no change from the current fiscal year. This budget proposal represents the District's annual payment to COG and is equal to the dues required to be a member of COG.

**Local Funds:** The proposed budget is comprised entirely of local funds.

## III. COMMITTEE CONCERNS

The Committee provides the following commentary and concerns in relation to the proposed FY 2024 budget and agency performance over the last year.

Funding for COG is determined by a funding formula based in large part on the population of each member's jurisdiction. As the population grows, each member's jurisdiction can expect to owe more in COG dues. Any annual increases in dues is subject to a five percent cap. Under COG's bylaws, member contributions are calculated based on a prorated share of the region's population. Based on work program priorities and revenue requirements, each fiscal year an assessment rate is applied to population forecasts for each COG member jurisdiction. Based on population estimates, the District's FY 2024 proposed membership dues to COG is \$628,155 which is \$34,370 more than the previous year. This is the result of a last year's one-time reduction in dues resulting from the pandemic, and a restoration of the regular year over year increase in this year's budget.

Dues from member jurisdictions account for approximately nine percent of COG's total budget. This funds regional programs, such as the Cooperative Purchasing Program, which gives member jurisdictions the ability to save money by participating in certain contracts, such as cooperating with Maryland to obtain a bulk rate for road deicing chemicals. The remaining percent represents funding from federal and state contracts that involve regional projects, including transportation and homeland security projects.

In addition, COG's budget contains a \$596,522 increase to support the Regional Public Safety Fund and other public safety fees. According to COG, these funds will support various regional public safety initiatives that used to be funded by member jurisdictions directly, but which are shifting to COG to allow member jurisdictions to leverage additional federal funding opportunities.

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<sup>3</sup> The Mayor's proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

#### IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2024 Operating Budget:

The Committee recommends adoption of the Fiscal Year 2024 budget for the Metropolitan Washington Council of Governments as proposed by the Mayor.

Policy Recommendations:

1. The Committee recommends that the Metropolitan Washington Council of Governments continue to implement programs and policies to increase regional cooperation and foster regionalism, especially with respect to reimagining the post-pandemic region.
2. The Committee recommends that MWCOG work with the Mayor's budget office in formulating the FY25 budget request to ensure additional funding for the FARM program is included.

## STATEHOOD INITIATIVES AGENCY

### I. AGENCY OVERVIEW

The mission of the Statehood Initiatives Agency (SIA) is to allow for the development and implementation of a coherent and effective means to promote statehood for the District of Columbia through lobbying efforts in Congress, educating District residents and citizens throughout the United States, and aligning the efforts of various stakeholder groups who advocate for District of Columbia statehood. The SIA provides funding for the executive director of the Office of the Statehood Delegation and the New Columbia Statehood Fund, both of which are designed to support the efforts of the District's elected Statehood Delegation (Delegation).



**Table AR-A: Statehood Initiatives Agency  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	252	269	248	267	267	0
<b>Operating FTEs</b>	3.0	3.0	3.0	3.0	3.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>4</sup>

The Fiscal Year 2024 budget proposal for the Statehood Initiatives Agency is \$267, an increase of \$19, or 7.7 percent, from the current fiscal year. The proposed budget supports 3.0 FTEs, which represents no change from the current fiscal year.

**Local Funds:** The Mayor’s proposed budget is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed FY 2024 budget and agency performance over the last year.

**Commission Budget:** The New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Amendment Act of 2014<sup>5</sup> created the New Columbia Statehood Commission (Commission), the Office of the Statehood Delegation, and the New Columbia Statehood Fund. The Commission and Delegation are both budgeted under the Statehood Initiatives Agency in the budget, and funds from the Statehood Fund would also be reflected in this agency. The Commission must, under that law, adopt a budget comprised of the funds appropriated by the Council. In effect this requires adoption of an annual budget for the Commission that includes funding from the Statehood Initiatives Agency and funds derived from the Statehood Fund’s fund balance. For Fiscal Year 2022, the Commission did not convene to approve their budget until March 24, 2022 which is an unacceptably long period – almost six months – after the start of the fiscal year. The Committee urges the Commission to adopt such a budget prior to the commencement of FY 2024.

<sup>4</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

<sup>5</sup> Effective May 2, 2015 (D.C. Law 20-271; D.C. Official Code § 1-129 *et seq.*).

***Staffing Structure:*** Over the last 8 years, the Commission has employed staff on an *ad hoc* basis, with limited full-time staff, part time staff, and interns. According to testimony from Senator Paul Strauss, last year, the Commission established an Executive Director position to support the entire Commission. The Committee supports this approach and encourages the Commission to continue to strive for a centrally managed staff that will support the Commission’s efforts with respect to Statehood. The Committee recommends that the delegation members work together to develop the staffing structure that is agreeable to the delegation, and recommend to the full Commission, which includes the Mayor and the Chairman of the Council, an adequate budget.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee’s Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Statehood Initiatives Agency as proposed by the Mayor.

##### Policy Recommendations

1. The Committee recommends that the Commission convene before the new fiscal year to adopt its detailed FY 2024 budget based on the budget approved by the Council.
2. The Committee recommends that the Commission develop a comprehensive, multi-year strategy to achieve statehood and develop future budget requests to support the plan.

## OFFICE OF BUDGET AND PLANNING

#### I. AGENCY OVERVIEW

The Office of Budget and Planning (OBP) is a component of the Office of the Chief Financial Officer (OCFO). OBP prepares, monitors, analyzes, and executes the District’s budget, including operating, capital and enterprise funds, in a manner that facilitates fiscal integrity and maximizes services to taxpayers. This program also provides advice to policy-makers on the District government’s budget and has the primary responsibility for ensuring that the budget is balanced at the time of budget formulation and maintaining that balance throughout the year as the budget is executed.

**Table AT1-A: Office of Budget and Planning  
 Total Funds Budget FY 2020-2023**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	5,906	6,301	6,911	6,636	6,636	0
<b>Operating FTEs</b>	37.3	41.7	46.0	46.0	46.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget

The Fiscal Year 2024 budget proposal for the Office of Budget and Planning is \$6,636, a decrease of \$275, or 0.4 percent, from the current fiscal year. The proposed budget supports 46.0 FTEs, which represents no change from the current fiscal year.

**Local Funds:** The funding for this account is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**FY24 Budget Formulation:** The Committee continues to have concerns over the budget formulation process before the budget is submitted to the Council. The issue is multifaceted. For example, the Council has identified a number of inconsistencies with the budget as submitted as compared to the numbers balancing the budget in the financial system. This likely stems, in part, from the inability of the Office of Budget and Planning (OBP) to enforce “pencils down” for the Executive to give OBP adequate time to load the Mayor’s recommendations into the system in a manner that ensures the Council has accurate and clear information on the Mayor’s proposal. In addition, OBP has allowed changes in the budget numbers submitted on behalf of the Mayor that are inconsistent with the law. For example, in 2022, the Council adopted the Schools First in Budgeting Amendment Act of 2023 (D.C. Law 24-300) to apply a formula to school-level budgets to ensure individual schools have a level of predictability in their year-over-year budgets. The Executive failed to fund school budgets pursuant to the law, but there was no accompanying subtitle to exempt the budget from the requirements of Schools First.

Another concerning issue in this year’s budget submission was the delay in providing the Council with detailed attributes of the proposed Fiscal Year 2023 Revised Local Budget Act. The

Council received the legislative text on March 22, 2023 but did not get a detailed list of the changes until March 31, 2023. Even in that submission, the Council Budget Office had to identify additional detail beyond what the Executive sent over. These details, just like the detail for the annual budget, should have been available at the time of transmission of the budget to the Council and not effectively two weeks later.

According to OBP at its budget hearing, many budget formulation processes are dependent on outdated information technology systems. For example, much of the financial plan must be input and calculated manually, which relies on a high level of validation by budget analysts. The OBP Director testified that processes would be more efficient by implementing a modernized budget formulation IT system, but that unfortunately, the OCFO did not include capital funds to implement such a system. The Committee recommends that OBP work with OCFO during future budget formulation to implement a tool to modernize budget formulation processes. This is in addition to identified issues with the new District Integrated Financial System which was implemented beginning in FY 2023 that has had some issues since the rollout.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Office of Budget and Planning as proposed by the Mayor.

##### Policy Recommendations

1. The Committee recommends that OBP work with the Mayor and Council on delays and errors in future budgets.
2. The Committee recommends that OBP prioritize the implementation of a new budget formulation tool in future fiscal years.

## COMMISSION ON THE ARTS AND HUMANITIES

#### I. AGENCY OVERVIEW

The Commission on the Arts and Humanities (Commission) was established by the Commission on the Arts and Humanities Act, effective October 21, 1975 (D.C. Law 1-22; D.C. Official Code § 39-201 *et seq.*). The Commission is an independent body that consists of 18 members. Its role is to evaluate and initiate action on matters relating to the arts and humanities

and encourage programs and the development of programs that promote progress in the arts and humanities.

The mission of the Commission on the Arts and Humanities (Commission) is to provide grants, programs, and educational activities that encourage diverse artistic expressions and learning opportunities so that all District of Columbia residents and visitors can experience the District's rich arts and humanities community.

The Commission, with recommended changes proposed by the Committee, will operate through the following five programs:

**(1) Agency Management** - Provides administrative support and the required tools to achieve operational and programmatic results. This program is standard for all agencies using performance-based budgeting;

**(2) Arts Building Communities** - Provides grants for performances, exhibitions, and other services to individual artists, arts organizations, and neighborhood and community groups so that they can express, experience, and access the rich cultural diversity of the District. An emphasis is placed on traditionally underserved populations, including first-time applicants, seniors, young emerging artists, experimental artists, folk and traditional artists, and artists in East of the River neighborhoods.

This program contains the following 4 activities:

- **Facilities and Buildings Grantmaking** –provides competitively-awarded grants to the National Capital Arts Cohort and the Arts and Humanities Cohort for the purchase or renovation of a facility designed for the management, production or presentation of performances, exhibitions, or professional training in the arts and humanities. Grant support for facility-based projects is also provided;
- **The Arts and Humanities Cohort** – provides competitively-awarded grants to organizations that directly produce or present content or facilitate productions of other organizations in the arts and humanities that are not members of the National Capital Arts Cohort;
- **Humanities Grant Program** – provides competitively-awarded subgrants, through a grant-making entity, for the purpose of promoting cross-cultural understanding and appreciation of local history in all neighborhoods of the District; and **General Operating Support Grants** – provides general operating support to non-profit arts, humanities, and art education organizations whose primary focus is in dance, design, folk and traditional arts, fiction and non-fiction writing, media arts, music, theater, or visual arts.

**(3) DC Creates Public Art** - Provides the placement of high-quality and administrative support services for the public so that they can benefit from an enhanced visual and cultural environment, with an emphasis on geographically challenged areas of the District. This program places artwork with the Metro transit system and the numerous murals and sculptures in and around

the District. The goals are to artistically enhance economic development and sustainable neighborhoods.

This program contains the following 4 activities:

- **Neighborhood and Public Art** - Projects are identified through the culmination of intensive public realm planning processes in partnership with neighborhood advisory groups, Main Street programs, other District government agencies, and private developers. Large-scale works are permanently installed in prominent public locations throughout all eight wards of the District. The program is a citywide benefit because it produces tangible art installations for display in public spaces. The art is inventoried, maintained, and owned by the District. The program also provides partial financial support for artists and organizations to produce public art in public space that the artist or arts organization owns, manages, and maintains.
- **Lincoln Theatre** - Provides for the maintenance of the Lincoln Theatre and associated projects.
- **Art Bank** - In support of visual artists and art galleries in the Washington metropolitan area. Art Bank funding acquires fine artwork each year to expand the District's Art Bank Collection, a growing collection of moveable works showcased in public space.
- **MuralsDC** - In partnership with the Department of Public Works, MuralsDC facilitates the creation of large-scale murals on walls frequently targeted or at high risk for graffiti. In conjunction with the surrounding community, MuralsDC identifies artists with a record of working with large-scale media. The community and artists embark on a dialogue, followed by the installation of a mural on the pre-determined wall.

**(4) Arts Learning and Outreach** – Provides quality arts education and training experiences to District youth from those in pre-kindergarten through 21 years of age, quality cultural experiences to historically underserved populations, and grants and cultural events to the general public so that they can access and participate in educational opportunities in the arts. This program receives funding from the Department of Employment Services (DOES) to give young adults work experience in the arts and humanities and to provide competitively awarded grants to support arts programming for youth. Funding from DOES supports opportunities for young adults to receive work experience in the arts through the Mayor Marion S. Barry Summer Youth Employment Program. The program also provides Arts and Humanities Education Projects grants, open to any arts and humanities organization executing an educational initiative for District youth.

**(5) Administration** - Provides technical assistance and legislative services to the Commission so that it can provide funding opportunities to District artists and arts organizations.

**Table BX-A: Commission on the Arts and Humanities;  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	34,450	45,022	45,202	50,938	50,938	0
<b>Operating FTEs</b>	32.3	35.0	38.0	50.0	45.0	(5.0)
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>6</sup>

The 2024 budget proposal for the Commission on the Arts and Humanities (Commission) is \$50,938, an increase of \$5,736, or 12.8 percent, from the current fiscal year. The proposed budget supports 50.0 FTEs, which represents a 31.6 percent increase from the previous year.

**Dedicated Taxes:** The Mayor’s proposed budget is \$50,077, an increase of \$5,678, or 12.8 percent, from the current fiscal year. The proposed budget supports 48.0 FTEs, an increase of 12.0, or 33.3 percent, from the current fiscal year.

**Federal Funds:** The Mayor’s proposed budget is \$861, an increase of \$58, or 7.2 percent from the current fiscal year. The proposed budget supports 2.0 FTEs, which represents no change from the current fiscal year.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed FY 2024 budget and agency performance over the last year.

**Dedicated Funding:** Continued growth in sales tax revenue in the District’s budget has continued to drive increased funding available for the Commission on the Arts and Humanities (“Commission”). The Commission proposes to allocate \$43,721,000 of certified sales tax revenue, \$6,537,280 of fund balance, and \$181,280 in other available funds for a total of \$50,077,000. In addition, the Commission expects to receive \$861,200 in Federal funds. In just three years, the Commission’s total budget has grown from \$34.5 million to a proposed \$51 million – an increase of 48 percent. Under the proposed budget, the Commission still has available \$4,476,550 in fund balance. The Commission is unique amongst all District government agencies in that it is funded

<sup>6</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

solely through dedicated taxes. This means that there is no salary lapse built into the budget and that any revenues that come in above the amount certified when the budget is adopted accrue to the Commission's fund balance. As long as sales tax revenue increases and positions go vacant for parts of the year, the Commission will continue to accrue fund balance.

***Grants Funding Structure:*** Beginning with the FY 2020 budget, Council restructured the Commission's grants using a formula to determine funding for the various grant programs. In FY 2023, the Council further refined the formula to consolidate general operating support grants. Of the funding available for grants, 17% is for the Facilities and Buildings Grant Program, 54% is for the General Operating Support Program, 25% is for other Grant Programs, including individual artist grants, and 4% is transferred to HumanitiesDC to support its humanities grant program. Administrative costs are currently capped at 22% by statute. In FY 2023 and the proposed FY 2024 budgets, the Commission allocated exactly 18% of its budget to administrative costs. However, with the large increase in the sales tax dedication, this means that for the proposed FY 2024 budget, the Commission proposes to add 12 new full-time positions maintaining the 18% self-imposed cap.

***Large Capital Grant Program:*** The Committee has long been concerned that there is an unmet need for large capital grants to organizations to support capital improvements in arts venues. Given the additional resources available to the Commission year after year, the Committee believes that the time is right to implement such a new grant program. Further detail about the grant program can be found in the accompanying Budget Support Act subtitle later in this report. The Committee recommends allocating just over \$5 million to the new grant program, achieved by reducing the number of new positions proposed by the Commission and by redirecting some of the Commission's proposed fund balance allocation into a new Large Capital Grant Program. The new grant program must be funded at 9% of the Commission's budget. Under the Committee's proposal, for FY 2024, the new grant program would comprise 9.8% of the Commission's budget. The Committee's intent is that in future budgets, the Commission would determine the total funding over 9% that it wants to dedicate to the large capital grant program, as well as the level of funding it needs for administrative costs, which would now be capped at 20%. All remaining funds are then allocated to the four existing grant programs as described above.

The Committee's recommendation for the Commission's budget maintains the four existing grant programs at approximately the FY 2023 levels in real dollars. Funding for the new large capital grant program comes entirely from new funding included in the Commission's budget. In addition, the Committee recommends that the non-lapsing nature of the Commission's budget be amended to require that the fund balance be appropriated each fiscal year during the budget process.



**Table BX-B: Commission on the Arts and Humanities;  
Fiscal Year 2023 Approved Budget vs Fiscal Year 2024 Committee Proposed Budget**

	FY 2023 Budget		FY 2024 Proposed	
Administrative Costs	18.0%	\$8,136,000	17.21%	\$8,765,415
Large Capital Grant Program (New)	-	-	10.00%	\$5,091,650
Existing Grant Programs (details below)	82.0%	\$37,065,640	72.80%	\$37,081,135
Facilities and Buildings Grants	17.0%	\$6,301,159	17.0%	\$6,303,793
General Operating Support Grants	54.0%	\$20,015,446	54.0%	\$20,023,813
Other Arts and Humanities Grants	25.0%	\$9,266,410	25.0%	\$9,270,284
HumanitiesDC Grants	4.0%	\$1,482,626	4.0%	\$1,483,245
		<b>\$45,202,000</b>		<b>\$50,938,200</b>

**Competitive Grantmaking:** During the COVID-19 pandemic, the Commission began the practice of awarding grants to all applicants that met the minimum eligibility requirements based on a formula. In Fiscal Year 2022, the Committee required that General Operating Support Grants be awarded in amounts tiered in relation to the grantee’s budget size. The Committee still agrees with that general approach which was developed based on the Commission’s recommendation. However, the Committee believes that competitive grantmaking also requires a level of merit-based evaluation to see where grant funds could have the greatest impact. The Committee is not advocating denying any organizations or individuals grant awards, but it does believe that even within the tiers of similar budget size, some applicant proposals may merit additional funding from their peers based on the merits of the grant application. The Committee granted the Commission the ability to give stipends to technical review panels. That being the case, the Committee believes that the Commission should fully utilize those technical evaluation panels, as well as the Commission’s own judgment, in determining the merits of all applications and awarding the grants in line with an applicant’s proposal. Further, the Committee is concerned that given the nature of the grant awards over recent years that some applicants may be over-relying on grant funds for the operation of an organization. The Committee believes that grant amounts should never exceed 50 percent of an organization’s annual operating budget. Thus, language is recommended later in this report to limit Facilities and General Operation Support grants to organizations to half of an organization’s annual operating budget.

#### IV. COMMITTEE RECOMMENDATIONS

Committee’s Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Commission on the Arts and Humanities as proposed by the Mayor with the following changes:

1. Establish a new Large Capital Grant Program funded at **\$5,091,650**.

2. Reduce administrative costs by **\$403,461** and eliminate **5.0 FTEs** (proposed new positions) and redirect those funds to the new Large Capital Grant Program. Retain **7.0 new proposed FTEs** included in the Mayor's budget.
3. Transfer **\$796,993** from Facilities and Buildings Grants (small capital) to the new Large Capital Grant Program.
4. Transfer **\$2,531,622** from General Operating Support Grants to the new Large Capital Grant Program.
5. Transfer **\$1,172,047** from other Arts and Humanities Grants to the new Large Capital Grant Program.
6. Transfer **\$187,528** from the HumanitiesDC Grant Program to the new Large Capital Grant Program.

*Policy Recommendations*

1. The Committee recommends the Commission work with stakeholders to communicate the status of the implementation of the equity task force's recommendations.
2. The Committee encourages the Commission to continue its work to promote diversity in the arts and to implement the recommendations of the Task Force on Equity and Inclusion, including targeted outreach to artists and musicians in marginalized communities for funding and partnership opportunities.
3. The Committee recommends that the Commission work with the Committee as it crafts its Large Capital Grant Program rules to ensure equity ideals and programmatic goals are met.

**OFFICE OF PLANNING**

**I. AGENCY OVERVIEW**

The mission of the Office of Planning (OP) is to guide the development of the District of Columbia, including the preservation and revitalization of our distinctive neighborhoods, by informing decisions, advancing strategic goals, encouraging the highest quality development outcomes, and engaging all communities.

OP performs planning for neighborhoods, corridors, districts, historic preservation, public facilities, parks and open spaces, and individual sites. In addition, OP engages in urban design, land use, and historic preservation review. OP also conducts historic resources research and community visioning, and manages, analyzes, maps, and disseminates spatial and Census data.

**Table BD-A: Office of Planning  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	11,941	15,431	17,335	12,764	13,159	+395
<b>Operating FTEs</b>	74.0	77.5	83.0	76.0	77.0	1.0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>7</sup>

The Fiscal Year 2024 budget proposal for the Office of Planning is \$12,764, a decrease of \$4,572, or 26.4 percent, from the current fiscal year. The proposed budget supports 77.0 FTEs, a decrease of 7.0, or 8.4 percent, from the current fiscal year.

**Local Funds:** The Mayor’s proposed budget is \$12,114, a decrease of \$4,587, or 27.5 percent, from the current fiscal year. The proposed budget supports 72.5 FTEs, a decrease of 7.0 or 8.8 percent, from the current fiscal year.

**Special Purpose Funds:** The Mayor’s proposed budget is \$50, a decrease of \$50, or 50.0 percent from the previous fiscal year. The proposed budget supports no FTEs, which represents no change from the previous fiscal year.

**Federal Grant Funds:** The Mayor’s proposed budget is \$60, an increase of \$65, or 12.1 percent, from the previous fiscal year. The proposed budget supports 3.5 FTEs which represents no change from the previous fiscal year.

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<sup>7</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

### III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Planning Studies:** The Council has funded a number of planning studies over the past three years at OP, including Small Area Plans and other comprehensive plan-related initiatives. In 2022, the Council approved three small area plans that were completed by OP. These plans provide supplemental guidance to the Comprehensive Plan. For the remainder of fiscal year 2023 and for fiscal year 2024, OP is pursuing the following planning documents.

**Table BD-B: Office of Planning  
 Upcoming Planning Studies** (source: prehearing Committee Responses)

Name	Status	Expected Completion Date
Wisconsin Avenue Development Framework	Continue current community engagement to develop draft recommendations.	Q3 FY23
Connecticut Avenue Development Guidelines	Continue current community engagement to develop draft recommendations.	Q2 FY23
New York Avenue Vision Framework	Drafting Recommendations to share in Final Community Meeting.	Q3 FY23
Ivy City Small Area Plan	Public kickoff in Q1 FY23.	Q1 FY24
Nannie Helen Burroughs Small Area Plan	Launched Public process through information sessions in Q1 FY23.	Q2 FY24
Production, Distribution, and Repair (PDR) Land Use Report	Exiting Conditions Report complete, Drafting PDR Market Study.	Q1 FY24
Downtown Public Realm	Engagement Kickoff in Q2 FY23	Q4 FY23
North Capitol Crossroads	Project kickoff Q2 FY23	Q1 FY24
Foggy Bottom Public Life Study	Project kickoff Q2 FY23	Q4 FY23
Commemorative Works Technical Assistance Program	Project kickoff Q2 FY23	Q4 FY23
Central Food Processing Facility Siting Study	Project kickoff Q2 FY23	Q4 FY23

In addition, the budget as submitted by the Mayor, includes \$572,467 and one new position to support the upcoming 2025 Comprehensive Plan Rewrite. The last Comprehensive Plan Amendment required that a full rewrite commence by January 2025 and submission of the new plan to the Council by June 2027. The funding also includes contractual services for engagement, research, and technology anticipated to support the rewrite. The Committee recommends that in conjunction with this planning, over the next year, OP develop and submit to the Council milestones related to on-time delivery of the plan to the Council and progress related to those milestones.

**Historic Preservation:** The Mayor’s proposed budget with respect to the Historic Preservation Office (HPO) at OP remains stagnant year over year, with a slight reduction proposed. The Mayor’s fiscal year 2023 made additional investments in HPO, including staff, which provided some stability, however, one of those FTEs was removed from the FY 2024 proposed

budget. OP's special purpose revenue fund for historic preservation has typically relied on fees and fines related to historic preservation, which have declined as a result of the pandemic.

The DC Preservation League testified at both the performance and budget hearing that important changes should be made to the Historic Homeowner Grant program to expand eligibility to all historic properties in the District (subject to household income thresholds), with the maximum grant amount increasing from \$25,000 to \$50,000 (this would be the first increase since the program was originally authorized in 2007). The Committee agrees that additional resources should be made available because historic preservation is also a tool for economic growth and vitality. These resources are also necessary to ensure that gains made to historic preservation do not backslide. Thus, the Committee recommends changes to the Historic Homeowner Grant Program consistent with the testimony received. In addition, the Committee recommends adding \$250,000 to the program for fiscal year 2024, doubling the amount of available funds.

In addition, OP continues to work with residents in the historic Kennesaw/Renaissance building in Ward 1. That property is a combination of cooperative units and condominium units. The building itself has historic balconies that are in disrepair that, without funding, will have to be removed. In 2021, the Committee expanded the Historic Homeowner Grant Program to allow multifamily buildings to take advantage of the grants. However, given the complicated ownership structure of the building, it has been a struggle to get each ownership unit connected with the funds, putting the historic features at risk.

Finally, the Committee recommends an additional FTE so that OP can hire a permanent second archaeologist position. Currently, the District's archaeology program through HPO is staffed by a single FTE, supplemented by a \$76,000 contract that provides some archaeological staff support. Earlier this year, before the release of the Mayor's proposed budget, OP advertised a Deputy Archaeologist position, but that advertisement was subsequently rescinded. The Committee recommends an additional archaeologist position for OP. Archaeology reviews more than 100 Section 106 National Environmental Policy Act projects each year in addition to its other responsibilities. For comparison, the City of Alexandria, Virginia, employs five archaeologists whose responsibilities *do not* include Section 106 review.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Office of Planning as proposed by the Mayor with the following changes:

1. Increase **1.0 FTE at \$145,000 (salary plus fringe)** to add a Deputy Architect within the Historic Preservation Office.
2. Increase of **\$250,000** in one-time funding for the Historic Homeowner Grant Program.

3. Increase of **\$155,000** in one-time funding in Fiscal Year 2024 to conduct a study to implement amendatory Section 9d contained in Section 2(e) of Bill 25-68, the Street Vendor Advancement Amendment Act of 2023. These funds were transferred in from the Committee on Public Works and Operations.
4. Increase of **\$400,000** in one-time funding in Fiscal Year 2024 to conduct a comprehensive public life study for Columbia Heights and Mount Pleasant Street with a focus on recommended streetscape and public space improvements to lay the necessary groundwork for revitalized public spaces. These funds were transferred in from the Committee on Public Works and Operations.
5. Increase of **\$225,045.46** in recurring funding starting in Fiscal Year 2024 for two new Grade 12 Community Planners in the Neighborhood Planning program. These funds were transferred in from the Committee on Public Works and Operations.

### Policy Recommendations

1. The Committee recommends that in conjunction with logistical planning for the Comprehensive Plan rewrite, over the next year, OP develop and submit to the Council milestones related to on-time delivery of the plan to the Council and progress related to those milestones.
2. The Committee continues to recommend that new and tenured HPRB members receive rigorous training on the Secretary of Interior Standards for Evaluation of Historic Properties.
3. The Committee recommends that OP continue to work with residents at the Kennesaw/Renaissance Building to leverage District funds to support the historic structure.
4. The Committee recommends that OP create lessons learned from the Kennesaw project to make recommendations on a permanent multifamily historic grant program.

## OFFICE OF ZONING

### I. AGENCY OVERVIEW

The mission of the Office of Zoning (OZ) is to provide administrative, professional, and technical assistance to the Zoning Commission (ZC) and the Board of Zoning Adjustment (BZA) in support of their oversight and adjudication of zoning matters in the District of Columbia.

OZ administers the zoning application processes for the ZC and the BZA. The agency reviews and accepts applications, schedules hearings to determine whether cases meet specified zoning criteria, schedules meetings to make determinations with respect to pending applications, and issues legal orders. Technology plays a critical role in support of this process by enhancing effectiveness and transparency. OZ also spearheads outreach to citizens of the District of Columbia to ensure a robust understanding of the zoning application process.

**Table BJ-A: Office of Zoning  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	3,060	3,898	4,142	4,085	4,085	0
<b>Operating FTEs</b>	21.0	24.0	24.0	24.0	24.0	0
<b>Capital Funds</b>	260	181	192	198	198	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>8</sup>

The Fiscal Year 2024 budget proposal for the Office of Zoning is \$4,085, a decrease of \$58, or 1.4 percent, from the current fiscal year. The proposed budget supports 24.0 FTEs, which represents no change from the current fiscal year.

**Local Funds:** The Mayor’s proposed budget is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Changes to Office of Zoning Budget:** The Office of Zoning’s budget contains no new major programs or changes from the fiscal year 2023 budget. The year-over-year net reduction in the budget is a result of the removal of one-time funds provided for the buildout of office space for OZ’s attorneys and an increase of \$192,289 due to personal services inflation and increased nonpersonal services to support server data migration and human resources costs.

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<sup>8</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 operating budget for the Office of Zoning as proposed by the Mayor.

##### Committee's Recommended Fiscal Year 2024 Capital Budget

The Committee recommends adoption of the Fiscal Year 2024 capital budget for the Office of Zoning as proposed by the Mayor.

##### Policy Recommendations

1. The Committee recommends that OZ continue to rigorously train ZC and BZA members and newer staff, including reviews of recent appeals and multidisciplinary training related to the impacts of development.
2. The Committee recommends that OZ work to reduce backlogs related to BZA cases by prioritizing cases relative to their impact.
3. The Committee recommends that OZ continue to work with stakeholders to maximize public engagement for the Zoning Commission and the Board of Zoning Adjustment, including the rollout of the Board of Zoning's racial equity tool.

## DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD

#### I. AGENCY OVERVIEW

The mission of the District of Columbia Public Charter School Board (PCSB) is to provide quality public school options for District students, families, and communities by conducting a comprehensive application review process, providing effective oversight and meaningful support to the District's public charter schools, and actively engaging key stakeholders.



PCSB serves as the District’s independent authorizer of public charter schools. In addition to chartering new public charter schools, it is responsible for ensuring that existing public charter schools comply with applicable local and federal laws and that they are held accountable for both academic and non-academic performance. The PCSB is comprised of seven board members, who are appointed by the Mayor with the advice and consent of the Council, and who work in concert with a staff that is managed by an Executive Director.

**Table GB-A: Public Charter School Board  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	11,528	10,486	13,100	13,100	13,100	0
<b>Operating FTEs</b>	0.0	0.0	0.0	0.0	0.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>9</sup>

The Fiscal Year 2024 budget proposal for the Public Charter School Board is \$13,100, an increase of \$0, or zero percent, from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The Mayor’s proposed budget reflects a decrease of a \$1,000 one-time enhancement in FY23 for charter school lead pipe replacement from the current fiscal year. The proposed budget supports 340.5 FTEs, an increase of 1, or 0.3 percent, from the current fiscal year.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Board Appointments:** The District of Columbia School Reform Act requires PCSB to conduct a charter review of each school at least every five years, and after 15 years in operation, each school is required to submit an application requesting to renew its charter for another 15-year

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<sup>9</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

term.<sup>10</sup> Board members expertise and perspective are crucial in the decision making to determine whether a charter school is academically advancing our students and thus should remain operating in the District. On the contrary, the PCSB has the responsibility of not renewing a charter school who is not serving students well or disapproving a charter school applicant who does not demonstrate a commitment to advancing student academic achievement in its charter. A fully staffed PCSB is needed to make objective and inclusive decisions for the sake of the public school community in the District.

The Committee will continue to work with PCSB to ensure that there is swift movement through the Council process as Board vacancies arise. Stability of the Board and its membership is vital in ensuring the high quality of charter schools in the District. To support in filling vacancies as they arise, the Committee recommends that the PCSB develop a running list of potential candidates or members of the DC community with the expertise to serve on this Board. By doing so, less time is needed to recruit, nominations can be sent to Council promptly, and long lags in membership are no longer present.

***UPSFF Increase:*** The UPSFF system of funding was established by the District of Columbia School Reform Act of 1995 and was designed to ensure that all public schools receive the same level of funding on a per-student basis, regardless of what neighborhood the school is in or where a student lives. The UPSFF is intended to cover all local education agency operational costs for D.C. traditional and public charter schools, including school-based instruction, student classroom support, utilities, administration, custodial services, and instructional support, such as curriculum and testing. The UPSFF is based on a foundational amount, upon which at-risk funding and funding for students with special needs are based.

The Mayor's proposed fiscal year 2024 budget provides for a UPSFF foundational level of \$13,046 per student – a 5.05 percent increase to the fiscal year 2023 UPSFF foundational base level of \$12,419 per student. The Committee discovered the mayor's budget underfunded the at-risk concentration supplement by \$1.5 million dollars, which impacts charter school budgets in addition to DCPS. The at-risk concentration weight in the UPSFF supports schools with over 40% at-risk students and provides additional resources necessary to help schools better meet students' needs. The Committee looks forward to working closely with the Executive in coming years to ensure that the critical dollars and services continue to be provided to schools without delay.

***St. Coletta Special Education Public Charter School:*** St. Coletta Special Education serves 250 intensive special education students with 24 hours or more of special education per their Individual Education Plan (the legal definition of Level IV special education) – the majority also have several therapies included in their IEP. 116 of St. Coletta's students require 1:1 education aides and many of their students also require nursing services.

Intensive special education students have not been included in previous adequacy studies for the UPSFF so a baseline of the true cost of serving these students has not been determined. St. Coletta is often compared to River Terrace, a DCPS school also serving special education students.

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<sup>10</sup> District of Columbia School Reform Act (Public Charter Schools). Law 24-99 effective Mar. 15, 2022.

Unlike St. Coletta, River Terrace does not employ therapists, nurses, security services or pay for food, as those are provided by DCPS.

Recently, the Memorandum of Understanding between St. Coletta and OSSE to provide the additional funding needed was terminated, as it was determined that the funding environment for St. Coletta was insufficient to support a program that provides services to students with disabilities who have intensive needs. However, St. Coletta students remain with needs that are unmet. The Committee is supportive of additional funding for St. Coletta Special Education Public Charter School to cover a deficit in funding left by the Uniform Per Student Funding Formula.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee adoption of the Fiscal Year 2024 budget for the District of Columbia Public Charter Schools as proposed by the Mayor with the following changes:

1. Decrease PCSB's Special Purpose Revenue Fund by **\$1,000,000** to provide necessary funding to St. Coletta Special Education Public Charter School.

##### Policy Recommendations

1. The Committee recommends that PCSB develops and consistently maintains a list of prospective candidates to nominate to the Board as seats come available.
2. The Committee urges the Executive to ensure all education funding move through the UPSFF to ensure both sectors are funding equitably and promptly.
3. The Committee supports additional funding to St. Coletta Special Education Public Charter School to better support its unique population of students.

## DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS

#### I. AGENCY OVERVIEW

The mission of the District of Columbia Public Charter Schools is to provide an alternative, free education for students who reside in the District.

Each public charter school is publicly funded through the Uniform Per Student Funding Formula (UPSFF) and either serves as its own local education agency (LEA) or is a part of a network of public charter schools that comprise one LEA. While each public charter LEA is autonomous, it must be approved by the District’s chartering authority, the Public Charter School Board (PCSB), in order to operate in the District. Additionally, each public charter LEA must follow local and federal laws and regulations and is subject to oversight by the PCSB and the District’s state education agency, the Office of the State Superintendent of Education.

This agency represents the total amount of local funds appropriated to the public charter school sector through the UPSFF. These local funds are held in escrow accounts, and payments, which are based on the public charter LEA’s actual enrollment for that school year, are made to each LEA on a quarterly basis.

**Table GC-A: District of Columbia Public Charter Schools  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	976,564	1,028,220	1,108,274	1,185,866	1,185,866	0
<b>Operating FTEs</b>	1.0	1.0	1.0	1.0	1.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>11</sup>

The Fiscal Year 2024 budget proposal for the District’s public charter schools is \$1,185,866, an increase of \$77,592, or 6.5 percent, from the current fiscal year. The proposed budget supports 1.0 FTE, no change from the current fiscal year.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2023 budget and agency performance over the last year.

**Charter Teacher Pay:** In the FY24 budget proposal, the Mayor proposed a 5.05% increase to the uniform per student funding formula (UPSFF) foundation level, which will represent another

<sup>11</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

historic increase in public education bringing the foundation level funding to \$13,046. Charter schools will also see a 3.1% increase in facilities allotment, per the law, to recognize rising costs and both DCPS and public charter schools will receive \$19.8 million for the Mayor's Recovery Fund. This is the second installment of the two-year fund to provide additional stability to schools.

After 4 years of negotiation, the District settled a historic contract with the Washington Teachers Union for teachers within DCPS, and the mayor proposed to provide funds on top of the UPSFF for charter school teachers to receive compensation increases as well. This funding is currently in the Workforce Investment Account budget and will be granted out through OSSE to charter LEAs to provide teachers with a 12.5% go-forward pay increase starting in fiscal year 2024, to match the 12.5% increase for DC Public School (DCPS) teachers. The Executive reports that starting in fiscal year 2025, these salary increases across both sectors will be reflected in the UPSFF. Also, through OSSE, charter teachers will receive a 7.6% retroactive payment, to cover a 3.5% teacher salary increase in School Year 2021-22 and a 4.0% increase in School Year 2022-23, to reflect the WTU COLA increases for two of the four negotiated years. The Executive also reports that funds will be delivered to teachers in a one-time lump sum payment (roughly estimated at \$5,000 per charter teacher, with actuals varying based on individual salaries).

Charter school teachers have expressed significant concerns regarding the payments to charter schools – 1) there are disparities in the funding to compensate charter teachers, with the charter sector receiving less in retroactive pay, 2) the definition of “teacher” is quite expansive in the WTU contract to include psychologist, social workers, and other school staff, however the charter funds are exclusively for teachers, and 3) OSSE has had challenges getting grants released in a timely manner, which could impact when teachers would receive funds and the lack of funds promptly could impact retention. Retroactive payments have already started going out to DCPS staff as of last week. And school year 2023-24 salary increases will be automatically provided to DCPS.

Retaining and recruiting high-quality educators is the number one factor in students' academic recovery and achievement.<sup>12</sup> If we are committed to accelerating academic growth, our teachers are our most valuable entity. Thus, the Committee would like to see charters schools' teachers treated fairly in this budget, and the Committee believes there is room to expand the definition of “teacher” in order for charter LEAs to expand additional pay to school staff more broadly. In addition, it is the Committee's belief that the Executive should have focused efforts on adding equitable funding to the fiscal year 2024 budget for both DCPS and charter teachers. Teachers in DC should be rewarded for their hard work and dedication to helping our students gain academic momentum and recover from the pandemic. The mayor's budget did not reflect that.

***Increase the UPSFF weight for adult schools:*** Although the District boasts one of the highest percentages of residents with advanced degrees, one in five adults cannot read a newspaper, a map, or a complete job application. Adults with no high school diploma or low-literacy suffer higher rates of poverty and children of low-literacy adults are five times more likely to drop out of

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<sup>12</sup> TNTP, A Strong Foundation: Three State Policy Priorities to Give Every Student Effective, Diverse Teachers. Jan. 2020 Opper, Teachers Matter: Understanding Teachers' Impact on Student Achievement.

school<sup>13</sup>. The Deputy Mayor for Education commissioned an adequacy study in 2013 to assess the UPSFF and determine whether the base amount and associated weights were sufficient to support the needs of that demographic.<sup>14</sup> While the majority of the recommendations in the 2013 study have been adopted, the increase of the adult weight has not yet been fulfilled.

In fiscal year 202222, the Mayor proposed an increase of the at-risk weight to .89 and the Council was supportive of this increase. The Committee heard extensive testimony during the fiscal years 2023 and 2024 performance and budget oversight hearings of the need to increase the weight for adult students and provide additional funding for schools that serve the adult population as a part of the K-12 system. Adult schools were not eligible to receive the same amount of federal COVID recovery funds as traditional K-12 schools and they do not receive at-risk funding despite serving students with similar needs. The Public Charter School Board was supportive of an increase in funding for schools that serve adult learners, and Dr. Michelle Walker Davis, Executive Director of the Public Charter School Board, in her testimony asked the Council to “take a hard look at assisting these schools so that they can continue to improve the level of education and service they provide to our community.”<sup>15</sup> Currently, there are ten public charter schools that serve and support adult students.

The Committee recommends that the Executive include the adult schools in the upcoming UPSFF Adequacy study work and investigate increasing the adult learner rate to 1.00 in the fiscal year 2025 budget.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee’s Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the District of Columbia Public Charter Schools as proposed by the Mayor, with the following changes:

1. Increase the UPSFF At-Risk Concentration weight by **.02 or \$9,375,754** across the four-year financial plan. This supplement supports schools with over 40% of their students identified as “at-risk” of academic failure, with additional support for schools with over 70% identified accordingly.
2. One-time correction of **\$495,021** to fund the charter sector under fiscal year 2023 approved/fiscal year 2024 proposed UPSFF at-risk concentration weights of 0.05.

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<sup>13</sup> [Academy of Hope Adult Public Charter School](#).

<sup>14</sup> Cost of Student Achievement: Report of the DC Education Adequacy Study Final Report. December 20, 2013.

<sup>15</sup> Testimony of Michelle Walker-Davis, Executive Director, DC Public Charter School Board, FY23 Budget Hearing, Committee of the Whole, March 30, 2022.

Policy Recommendations

1. The Committee welcomes the increase to the overall Uniform Per Student Funding Formula to support charter schools.
2. The Committee supports the payment to charter LEAs for teacher salary but urges the Executive to provide additional funding and expand the eligibility of those funds.
3. The Committee is hopeful that OSSE will disperse funding to schools under the charter grant no later than October 30, 2023 (30 days after the funds are available to OSSE for disbursement).
4. The Committee urges the Executive to ensure that starting in fiscal year 2025 the funding for salary increases across both sectors will be reflected in the UPSFF.
5. The Committee is committed to continuing conversations with the Deputy Mayor for Education to determine adequate funding for adult public charter schools.

**DISTRICT OF COLUMBIA PUBLIC SCHOOLS (DCPS)**

**I. AGENCY OVERVIEW**

The mission of the District of Columbia Public Schools (“DCPS”) is to ensure that every school guarantees that students reach their full potential through rigorous and joyful learning experiences provided in a nurturing environment. The DCPS budget is organized into three main divisions: Central Office, School Support, and Schools. Each of these three divisions is broken down into separate activities, all of which align to both the agency’s spending plan and its’ organizational chart.

**Table GA-A: District of Columbia Public Schools (DCPS)  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	1,142,378	1,244,744	1,167,504	1,234,289	1,234,289	0
<b>Operating FTEs</b>	9,159.4	9376.3	9,531.6	9,833.9	9,833.9	0
<b>Capital Funds</b>	354,976	240,957	388,022	535,874	541,174	2,675

*Source: Budget Books (dollars in thousands)*

## II. MAYOR'S PROPOSED BUDGET

### Mayor's Proposed Fiscal Year 2024 Operating Budget<sup>16</sup>

The Fiscal Year 2024 budget proposal for the District of Columbia Public Schools is \$1,234,288,744, a decrease of \$66,784,458 or 5.7 percent, from the current fiscal year. The proposed budget supports 9,833.9 FTEs, an increase of 302.3 FTEs, or 3.2 percent, from the current fiscal year.

### Mayor's Proposed Fiscal Year 2024-2029 Capital Budget

The mayor's proposed capital budget for DCPS is \$2,724,818 over the 6-year plan. This includes \$535,874,072 for FY 2024. This funding supports school modernizations and small capital improvements to DCPS schools and buildings.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

***Post-pandemic student academic outcomes:*** District of Columbia Public Schools' (DCPS) mission is to ensure that every school guarantees that students reach their full potential through rigorous and joyful learning experiences provided in a nurturing environment. Their vision is to see to it that every student feels loved, challenged, and prepared to positively influence society and thrive in life. Though, the fiscal year 2024 budget cycle for DCPS has caused the Committee to question how the Executive has implemented this vision in moving more students towards success.

Each year, our schools suffer from under-enrollment, budget instability, and waning academic achievement. The 2021-2022 Partnership for Assessment of Readiness for College and Careers (PARCC) results revealed that the pandemic had a significant and severe impact on DC's public school student population, with sharp declines in academic achievement across math and English/language arts (ELA), and across all grades and demographics. The math proficiency rate dropped substantially across all grades, and by more than 10 percentage points for most race/ethnicity groups. ELA PARCC proficiency rates declined across all grades levels and saw greater declines in grades 3-8. The proficiency rate of at-risk students, decreased more than the rate of not at-risk students, in both math and ELA.<sup>17</sup>

While the District has made many recovery investments to accelerate learning and address the interruptions to school students experienced during the pandemic, we are not seeing those

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<sup>16</sup> The mayor's proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

<sup>17</sup> At Risk is defined as students who received benefits from Temporary Assistance for Needed Families (TANF) or Supplemental Nutrition Assistance Program (SNAP), have Child and Family Services Agency (CFSA) or foster care status, or are overage or homeless.



investments yield progress, especially among at-risk students. According to a spring 2022 report from Empower K12, spring 2021 assessment data found disproportionately larger amounts of unfinished learning for students designated as at-risk in math and reading. Additionally, student wellbeing survey data found that DC's most vulnerable students were much more likely to have experienced significant trauma and unhealthy physical, social, and emotional stress during COVID-19's first year.<sup>18</sup> Students designated as at-risk are an average of 15-18 instructional months behind pre-pandemic national averages, compared students who are not at-risk are about 4-5 instructional months behind.<sup>19</sup>

DC schools were able to access additional resources to address students' academic and social-emotional wellbeing needs with federal recovery funds. DCPS implemented several recovery strategies to accelerate student learning, including high impact tutoring (HIT) and investments in mental health staff to support students' emotional needs during and following the pandemic. However, the roll out of HIT has been slow and only six percent of students have received tutoring services from the start of the pandemic, which is considered a best practice for academic recovery.<sup>20</sup>

The Committee encourages DCPS to implement better strategies that will improve student outcomes more rapidly. Students deserve to see themselves in the mission and vision of the school system that educates them. The Committee will work with DCPS to ensure students in DC achieve their full potential.

***Uniform Per Pupil Funding Formula (UPSFF):*** The UPSFF system of funding was established by the District of Columbia School Reform Act of 1995 and was designed to ensure that all public schools receive the same level of funding on a per-student basis, regardless of what neighborhood the school is in or where a student lives. The UPSFF is intended to cover all local education agency operational costs for D.C. traditional and public charter schools, including school-based instruction, student classroom support, utilities, administration, custodial services, and instructional support, such as curriculum and testing. The UPSFF is based on a foundational amount, upon which at-risk funding and funding for students with special needs are based.

The Mayor's proposed fiscal year 2024 budget provides for a UPSFF foundational level of \$13,046 per student – a 5.05 percent increase to the fiscal year 2023 UPSFF foundational base level of \$12,419 per student. The Committee welcomes this increase to the overall UPSFF but has concerns. Schools First requires any increase in the UPSFF to be passed through to school budgets, and as we know, schools did not see this increase in the budgets this year. This leaves the Committee to wonder what department within DCPS has absorbed the 5.05% increase. While DCPS may make the argument that the increase is indeed passed on to schools and will contribute to staff salary, but the UPSFF is not necessary to pay for the WTU contract – those funds are housed in the workforce investment budget.

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<sup>18</sup> EmpowerK12 Spring 2022 Update Brief: DC Academic Recovery.

<sup>19</sup> *Id.*

<sup>20</sup> *Responses to FY 2022 & 2023 Performance Oversight Questions, Paul Kihn, Deputy Mayor for Education.* February 24, 2023; *citing* "investments in high-impact tutoring (HIT) have reached 6% of all public school students.

Lastly, the Committee discovered the mayor's budget underfunded the at-risk concentration supplement by \$1.5 million dollars. The at-risk concentration weight in the UPSFF supports schools with over 40% at-risk students and provides additional resources necessary to help schools better meet students' needs. The Committee is disappointed by this discovery and would hope that this was not intentional. The Committee looks forward to restoring these funds to school budgets and increasing the at-risk concentration weight in this budget to ensure schools have even more resources to support their critical work.

The Committee will work closely with the Executive in coming years to ensure that dollars and services continue to be provided to schools without delay.

***Schools First in Budgeting Law:*** This year, and for the past several years, once DCPS publicized the initial budget for each of its schools, the Committee hears from school communities across all wards that their budgets are being curtailed significantly, and schools are again forced to reduce critical staff and programs to accommodate the unexpected cuts.

In December 2022, after two public hearings and one year of engagement<sup>21</sup> with school communities, the Council adopted the Schools First in Budgeting Amendment Act of 2022 ("Schools First") which establishes the method of determining school budgets based on each schools' previous year's budget and other factors.<sup>22</sup> The primary purpose of Schools First is to create true stability in our local schools. The approach in Schools First is prescriptive, setting forth a calculation to be followed to leave little room for interpretations that, year after year, some schools experience budget cuts. However, the Committee found that over half of the fiscal year 2024 school budgets did not comply with Schools First.

DCPS has had ample opportunity to engage with the Council since the law's passage to better understand and implement for the fiscal year 2024 budget. The Committee has availed itself to working with DCPS and even still, DCPS did not comply nor collaborate. Even schools that gained enrollment and schools that experience minimal enrollment declines saw significant cuts to their budget. In addition, DCPS received a 5.05% increase in the overall budget via the Uniform Per Pupil Funding Formula (UPSFF), and as a result, schools should have seen that increase in their budgets as well. They did not.

The blatant disregard for Schools First is of great concern to the Committee. Schools are again losing the budget stability that Council set forth in the law to impact the coming school year. Schools with high at-risk populations who are experiencing under-enrollment still need resources to provide quality programming, and even more funding to support strategies that would increase enrollment and restore school communities. We cannot expect schools to improve when a chief worry of its leaders is whether they will have sufficient funding to support their school communities year over year. The utter disrespect and non-compliance for the law is unacceptable.

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<sup>21</sup> Record of public hearings on D.C. Law 24-300, Schools First in Budgeting Amendment Act of 2021 [here](#).

<sup>22</sup> [D.C. Law 24-300](#).

***Contracting and Procurement:*** In December 2022, the DCPS, through the Executive, transmitted three retroactive contracts for Council approval. Any contract with a value over \$1 million must be reviewed and approved by the Council before any payment over \$1 million can be made to the vendor. In this case, the three contracts were entered into by DCPS in July of 2022 – but the request to approve the contracts came almost six months later. The process for Council approval of contracts is supposed to be one where the Executive transmits a contract to the Council before the start of the period of performance for a 10-day passive approval by the Council. That means that the three contracts should have been transmitted to the Council in June 2022 so the Council could passively approve by the contract start date.

The Committee was surprised by how retroactive these approval requests were. Upon further Council investigation, the Committee discovered that two of those three contracts, dealing with school meals, had not been sent to the Council for review and approval since 2019 – that is school meal services have been operating at DCPS for two and a half years without an approved contract. Moreover, the Committee determined that payments in excess of \$1 million had been paid to one of the vendors, which is a likely violation of the local Anti-deficiency Act<sup>23</sup> which prohibits spending District funds unless they are approved. The Committee sent a letter to DCPS asking for additional information about the food services contracts, as well as a list of any other contracts valued at over \$1 million that were never sent to the Council. The Committee followed the letter up with a hearing on the food services contracts in February 2023 at which DCPS provided testimony that an additional ten contracts over \$1 million had been identified as not being sent to the Council for review. At the same time, the Committee had identified another contract over \$1 million that DCPS failed to identify. As of now, the Committee understands that there are a total of 36 contracts that have been identified by DCPS, many of which have completed their periods of performance.

Council review of contracts is a core Council function under the Home Rule Act. Similarly, preparing contracts for Council review should be a core function of any Executive agency with procurement authority. DCPS has been granted independent procurement authority for decades; however, they are still required to follow the Procurement Practices Reform Act of 2010 as well as the Home Rule Act provisions around contracting. DCPS, it appears, has completely failed in this regard. Moreover, DCPS's actions, after disclosure by the Council to the Chief Financial Officer, have put our financial control environment at risk because DCPS incorrectly represented to the OCFO that the contracts were eligible for payment. This led to tens of millions of dollars of vendor payments without Council approval. This puts the District at risk of adverse findings in the Annual Comprehensive Financial Report which reflects poorly on the District's financial management.

The Committee will work with DCPS and the Executive to cure these retroactive contracts in a responsible manner moving forward. However, there are obviously systematic failures in DCPS management that allowed this issue to come to a head that must be addressed. It also brings into question other core DCPS Central Office management functions like human resources management. DCPS executes one of the most important functions and has the largest budget of

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<sup>23</sup> [D.C. Law 14-285](#).

any agency in District government. But that does not give DCPS any free pass to run roughshod over the law, especially the law giving the Council review of contracts.

***Duke Ellington School of the Arts (DESA):*** During the 2021-22 school year, the Council heard increased concerns from the DESA community regarding pay parity among its educators and the rhetoric of a “takeover” of the school following several sensitive incidents. DCPS believed DESA mishandled these incidents and stronger leadership was necessary.

The New Funding and Organizational Model for the Duke Ellington School of the Arts Emergency Amendment Act of 2022, instituted in the fiscal year 2023 Budget Support Act, required DCPS and the Duke Ellington School of the Arts Program (DESAP) to enter into collaborative discussions around the schools’ governance, staffing, funding, academic programming, and compliance in an attempt to solve parity, licensure, and funding issues.<sup>24</sup> The Act required regular meetings with Ellington school and board leadership, DCPS central leadership, and Council representatives. These meetings led to a draft focused on the long-term sustainability of the relationship between DESA and DCPS. While the Committee was hopeful for a joint proposal, in January 2023 the Council received two semi-divergent proposals that now need to be reconciled. Happily, the two proposals agreed on a path to licensure for the artist educators at DESA as a pathway to pay parity but agree on little else. DCPS proposes to install a Chief Compliance officer to monitor issues at the school, and the DESA community has significant concern about this proposal.

DESA is truly a shining gem among the DCPS community – an innovative arts-centric educational approach puts students on par with their peers by graduation. DESA has a 99% annual graduation rate (versus the DCPS average of 70.9%) with 98% going on to an institution of higher learning (versus the DCPS average of 58.57%).<sup>25</sup> The Committee hopes to work with DCPS to ensure a safe, vibrant school community at DESA and hopes to support DESA in achieving pay parity and a path to licensure for its current, non-DCPS teachers. We should be doing all we can to preserve this historic institution.

***WTU Collective Bargaining Agreement (CBA):*** The recently signed collective bargaining agreement provides Washington Teachers’ Union members with a 12% increase in compensation over the four-year term of the contract. It also provides teachers with a 4% retention bonus and teachers in “hard to fill positions” will receive a \$1,500 retention payment.

While the Committee believes this agreement provides educators with competitive raises that will help the District retain and attract the best talent for our public schools, the contract is approximately three years overdue. This lag in having a contract in place has caused the District to make decisions about how to fund the contract and provide parity to the charter sector. Given the amount of the full contract, the Committee suspects it was harder, not impossible, to find equivalent funding for charter LEAs. Negotiations take time. However, a four-year delay is extremely problematic.

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<sup>24</sup> D.C. Law 24-470.

<sup>25</sup> Duke Ellington School of the Arts (DESA) Sustainability Plan: A public-private partnership since 1968, Continuing an Effective Legacy.

The Committee is hopeful that DCPS will initiate negotiations with the Washington Teachers Union in order to move more swiftly towards a signed contract for our teachers. The Executive should strive to have a contract in place before the start of the next school year so that the District is not in a tough financial position in fiscal year 2025, having to find hundreds of millions of dollars to fund and overdue contract for our essential educators.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the District of Columbia Public Schools operating budget as proposed by the mayor with the following changes:

1. Increase the UPSFF At-Risk Concentration weight by **.02 or \$9,696,349** across the four-year financial plan. This supplement supports schools with over 40% of their students identified as “at-risk” of academic failure, with additional support for schools with over 70% identified accordingly.
2. Increase the DCPS enrollment reserve by **\$1,000,000** in one-time funds for fiscal year 2024. This fund provides additional support to schools throughout the school year.
3. Create a Mid-Year Mobility Fund with **\$2,000,000** in one time funding. This fund would provide student-based resources to DCPS schools necessary to support students who enroll after the count day.
4. Increase individual DCPS school budgets by **\$23,907,286** to comply with D.C. Law 24-300, the Schools First in Budgeting Amendment Act of 2022.
5. Decrease **\$2,525,000** of one-time local funding for IMPACTplus payments and replace with **\$2,525,000** of one-time ESSER III funds for fiscal year 2024.
6. One-time correction of **\$1,492,298** to fully fund DCPS under fiscal year 2023 approved/fiscal year 2024 proposed UPSFF at-risk concentration weights of 0.05.

Committee's Recommended Fiscal Year 2024-2029 Capital Budget

The Committee recommends adoption of the Fiscal Year 2024-2029 budget for the District of Columbia Public Schools capital budget as proposed by the Mayor with the following changes:

1. Increase **\$675,000** in fiscal year 2024 for Hardy Middle School Auditorium and Lockers. These funds were transferred in from the Committee on the Judiciary and Public Safety.
2. Increase **\$1,450,000** in fiscal year 2024 for Garrison Elementary School Athletic Fields and lighting. These funds were transferred in from the Committee on the Judiciary and Public Safety.
3. Increase of **\$550,000** in fiscal year 2024 for Jackson-Reed High School Auditorium repairs. These funds were transferred in from the Committee on the Facilities and Family Services for Stoddert Elementary, but subsequently revised to Jackson-Reed at the request of the Committee.

Policy Recommendations

1. The Committee encourages DCPS to move swiftly in academic acceleration strategies that that will improve student outcomes rapidly.
2. The Committee supports the Mayor's proposal to increase the UPSFF foundation level by 5.05 percent, but urges the Executive to comply with the law and pass the increase on to the individual schools following the Schools First Act.
3. The Committee urges DCPS to explore strategies to continue to promote teacher retention.
4. The Committee encourages DCPS leadership to initiate negotiations with the Washington Teachers Union now to avoid another three years without a contract in place for educators.
5. The Committee would like to see increased collaboration across DCPS central and DESA regarding the sustainability and support of the institution.
6. The Committee will work with DCPS and the Executive to cure all retroactive contracts in a responsible manner and continue oversight of DCPS' contracting and procurement authority.

# DC STATE ATHLETICS COMMISSION

## I. AGENCY OVERVIEW

The mission of the D.C. State Athletics Commission (DCSAC) is to oversee the state interscholastic athletics programs and competitions in the District through oversight of the D.C. State Athletics Association (DCSAA), which is in turn charged with ensuring that interscholastic athletics programs are compatible with the educational mission of member schools; providing for fair competition between member schools; promoting sportsmanship and ethical behavior for participants, coaches, administrators, officials, and spectators; promoting gender equity and equal access to athletic opportunity; and protecting the physical well-being of participants and promoting healthy adolescent lifestyles.

**Table GL-A: DC State Athletics Commission  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	1,079	1,190	1,342	1,354	1,522	168
<b>Operating FTEs</b>	5.8	6.8	7.0	7.0	7.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>26</sup>

The Fiscal Year 2024 budget proposal for the District of Columbia State Athletics Commission is \$1,354, an increase of \$11, or 0.8 percent, from the current fiscal year. The proposed budget supports 7.0 FTEs, no change from the current fiscal year.

**Local Funds:** The Mayor’s proposed budget is \$1,254 an increase of \$11, or .9 percent, from the current fiscal year. The proposed budget supports 7.0 FTEs, no change from the current fiscal year.

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<sup>26</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

***Special Purpose Revenue Funds:*** The Mayor’s proposed budget is \$10, a \$0 or 0 percent change, from the current fiscal year.

### III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

***Expanded Offerings:*** In FY22, DCSAC sought to expand its competitive sports offerings and is seeing dividends in the form of increased participation. To that end, Executive Director Kenneth Owens highlighted that the number of competitors in swimming has risen by 25 percent.<sup>27</sup> Their efforts are also yielding growth in number of participants in girls lacrosse and wrestling. The Committee acknowledges the potential sports have to engage students academically and socio-emotionally and commends the DCSAC for its exemplary delivery of athletic programming for DC students. The Committee looks forward to the further expansion of its training and clinic programs.

***Restoration of Reserve Fund:*** The Committee is restoring the \$110,840 swept from the DCSAC reserve fund. The funds result from agreements between the DCSAC and sponsors who fully expect the funds to go towards their proposed activities. Removing the funds would damage the credibility of the DCSAC and impair its ability to win sponsorships moving forward.

***Procurement:*** In the FY22 Financial Audit the Office of the Inspector General (OIG) found the DCSAC agreed to a contract with Georgetown University inappropriately, and as a result, DCSAC will need to exhibit better oversight moving forward.<sup>28</sup> The OIG discovered that a \$10,490 contract had been agreed to without authorization from Georgetown University or the District. The Department of General Services was the contracting authority for this procurement on behalf of DCSAA, but the DCSAC was the buyer and ultimately responsible for the administration of services for this procurement. The Committee is confident that the OIG will work with the DCSAC Executive Director to address the findings and urges the DCSAC to scrutinize its contracts more closely moving forward. Although the actions to address the findings are minimal, it is important for the DCSAC to take steps to prevent similar incidents in the future.

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<sup>27</sup> See the April 7<sup>th</sup>, 2023 FY24 Budget Oversight Government Witnesses [Testimony](#).

<sup>28</sup> See the [FY22 Financial Audit](#) here.



#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the District of Columbia State Athletics Committee as proposed by the Mayor with the following change:

1. The Committee is restoring the **\$110,840** sweep from GL0-619 State Athletics Program and Office Fund.
2. Increase of **\$168,000** to support the DCSAA All Star events, coach clinics, coach trainings, sports clinics for new sports within the Association's purview, middle school sports clinics, equipment, a student eligibility tracker, sports contractor, and coach certifications. The funds were transferred by Committee on Business and Economic Development.

##### Policy Recommendations

1. The Committee urges the DCSAC to work closely with the OIG through the FY23 Audit to correct any findings from the previous year's audit.

## NON-PUBLIC TUITION

#### I. AGENCY OVERVIEW

Non-Public Tuition (NPT) is administered by the NPT program, which is housed within the Office of the State Superintendent of Education (OSSE). Despite being a part of OSSE, NPT funds are separated from OSSE's budget, and this budget is an accounting of those separate funds.

The mission of the Non-Public Tuition agency is to provide funding, oversight, and leadership for required special education and related services for children with disabilities who attend special education schools and programs under the federal Individuals with Disabilities Education Act (IDEA).

**Table GN-A: Non-Public Tuition  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	59,195	50,564	59,069	50,771	50,771	0
<b>Operating FTEs</b>	14.8	14.6	18.0	17.0	17.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>29</sup>

The Fiscal Year 2024 budget proposal for Non-Public Tuition is \$50,771,591, a decrease of \$8,298,185, or 14.0 percent, from the current fiscal year. The proposed budget supports 17.0 FTEs, a decrease of 1 FTE from the current fiscal year.

**Local Funds:** The Mayor’s proposed budget is \$50,172, a decrease of \$8,298, or 14.2 percent, from the current fiscal year. The proposed budget supports 17.0 FTEs, a decrease of 1 FTE from the current fiscal year.

**Federal Grant Funds:** The Mayor’s proposed budget is \$600, no change over the current fiscal year. The proposed budget supports no FTEs.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Reducing the Number of Students Served by Non-Public Institutions:** One long-term goal of the NPT program is to reduce the need for District students to be placed in non-public educational institutions. The Office of the State Superintendent of Education (OSSE) plans to develop the capacity of local public schools to serve students with disabilities directly, instead of placing students in specialized non-public schools outside of OSSE’s or the local education agency’s (LEA) direct jurisdiction.

<sup>29</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

**Table B: Non-Public Tuition Students;  
 Actual Total Students Enrolled FY 2018-2023**

	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022	Fiscal Year 2023
<b>Actual Total</b>	1,048	1,237	880	816	598	536

*Source: See footnote.<sup>30</sup>*

Since fiscal year 2018, the number of NPT students has decreased dramatically, from 1,048 to 536 in fiscal year 2023, as depicted in Table B above. Given that most of the NPT program’s costs come from paying tuition to the non-public institutions that serve the District’s students with special needs and that OSSE is working diligently to lower the number of students who need to attend a non-public institution, it is not surprising that the fiscal year 2024 budget is decreasing.

The Committee is pleased to see that the number of students attending non-public institution is trending downward and will continue to monitor the number of students attending non-public institutions. Additionally, the Committee recommends that the NPT office in OSSE continue to work with the District’s LEAs to ensure that they are providing their students with a free, appropriate public education in the least restrictive environment, thereby reducing the need for students to be placed in non-public institutions.

**Staffing Levels:** While the Mayor’s proposed budget for Fiscal Year 2024 is slightly below the approved Fiscal Year 2023 budget, the funding for full-time equivalent (FTE) staff members dedicated to NPT remains constant. Under the Mayor’s proposed budget, there will be one less employee for the following fiscal year. This will enable continuity of service for students, their families, other District government agencies that partner with OSSE to ensure the success of NPT, and the non-public institutions themselves. This stability is essential for everyone involved at all stages of the process to maintain expectations regarding levels of service. Thus, the Committee supports the proposed the staffing levels in the NPT program for this fiscal year. Given that the NPT program is dedicated to lowering the number of students who are attending non-public institutions, the Committee recommends that the NPT program examine its staffing levels each year to ensure continuity of services while reducing costs associated with the program as the number of NPT students decline.

**Residency Exception:** D.C. Law 20-155, creates a residency exemption for youth in the care of CFSA to allow them to maintain residency status to attend their DCPS or public charter school if they are placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District. Unfortunately, the law leaves out students who are enrolled in a DCPS or DC public charter school, but are attending a non-public school or program. When these students cease to be wards of the District and are placed in the permanent care of an individual who resides outside of the District, the District stops paying the tuition to their non-public schools. During the COVID-19 pandemic, the Committee learned that numerous students were impacted by this lapse

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<sup>30</sup> *Public Hearing: Bill 24-135, Non-Public Student Educational Continuity Amendment Act of 2021.* December 13, 2021. Testimony of Sarah Jane Forman, General Counsel, Office of the State Superintendent.

in the law, so the Council and filed several emergencies to address this lapse. On December 15, 2021, the Committee held a hearing on Bill 24-135 and on Dec 13, 2022, D.C. Law 24-193 became effective. The Committee will continue to monitor should issues arise after enacting this permanent legislation.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for Non-Public Tuition as proposed by the Mayor.

##### Policy Recommendations

1. The Committee recommends that the NPT office in OSSE continue to work with the District's LEAs to ensure that they are providing their students with a free, appropriate public education in the least restrictive environment, thereby reducing the need for students to be placed in non-public institutions.
2. The Committee recommends that the NPT program examine its staffing levels each year to ensure continuity of services while reducing costs associated with the program as the number of NPT students decline

## OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

#### I. AGENCY OVERVIEW

The Office of the Deputy Mayor for Education ("DME") is responsible for developing and implementing the Mayor's vision for academic excellence and supporting the education-related District Government agencies in creating and maintaining a high quality education continuum from early childhood to K-12, to postsecondary and the workforce. The three major functions of the DME include: overseeing a District-wide education strategy; managing interagency and cross-sector coordination, and providing oversight and/or support for the following education-related agencies: DCPS, OSSE, the Department of Parks and Recreation (DPR), DCPL, PCSB, the University of the District of Columbia (UDC), Department of Employment Services (DOES), and the Workforce Investment Council (WIC).

**Table GW-A: Office of the Deputy Mayor for Education  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	21,702	40,109	51,470	30,1878	30,1878	0
<b>Operating FTEs</b>	36	46.2	47.1	46.6	46.6	0
<b>Capital Funds</b>	0	0	0	1,230	1,230	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>31</sup>

The Fiscal Year 2024 budget proposal for the Office of the Deputy Mayor of Education is \$30,878, a decrease of \$20,592 or 40.0 percent, from the current fiscal year. The proposed budget supports 46.6 FTEs, a decrease of 0.5 FTEs from FY22.

**Local Funds:** The Mayor’s proposed budget is \$30,628, an increase of \$1,816, or 6.3 percent, from the current fiscal year. The proposed budget supports 46.6 FTEs, an increase of 6.5 or 16.2 percent, from the current fiscal year.

**Private Donations:** The Mayor’s proposed budget is \$250, a \$135 or 117.4 percent increase from the current fiscal year.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 (FY24) budget and agency performance over the last year.

**Learn24:** The Learn24 office (Learn24) works to support equitable access to high-quality Out of School Time (OST) programs for District youth. Through coordination among government agencies, targeted grant-making, data collection and evaluation, and training, capacity building, and technical assistance to OST providers, Learn24 provides resources and support to ensure a citywide system of high-quality OST programs. As DC continues to recover from the COVID-19 pandemic, Learn24 has played a critical role in providing enriching opportunities for students

<sup>31</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

While Learn24 has room to improve its grant making capacity and coordination, the new leadership has done much to assuage OST partners.

***MyAfterSchoolDC:*** The proposed MyAfterSchoolDC investment and its accompanying grant are promising initiatives that must remain focused on expanding access of OST programming to students. MyAfterSchoolDC means to provide high-quality, accessible afterschool options for all DC students and families.<sup>32</sup> The initiative seeks to increase access by creating a centralized digital hub for parents and students to learn more about and sign up for OST programs. It will also create a grant program by which the DME can encourage new OST programming at the neediest schools, which the Committee finds to be the most valuable prospect of the new proposal. Currently, Learn24 has capacity to serve only 43 percent PK-12 students, which is a concern for OST partners and advocates alike.<sup>3334</sup> The Committee has also heard concerns from students and parents about the difficulties finding OST programs during the school year and the summer. Grantees have also shared their struggles reaching students and advertising available seats. The need for a system like MyAfterSchoolDC to improve access to programs and visibility for grantees both during the school year and the summer is clear. However, visibility into programming is not a substitute for access to that programming. To this end, the Committee encourages and urges Learn24 to prioritize expanding OST seats at the neediest Wards and schools as they build out the MyAfterSchoolDC.

***OST Grant Stability:*** In DC's tumultuous recovery from the pandemic the Learn24 grantees have provided a source of stability for students and families and deserve a commitment from DC government to that same stability. The year-to-year guessing game about security payments, the difficulty for trusted partners in accessing multi-year grants, and the sudden disappearance of 21st Century Learning grants all create uncertainties for grantees and instability for students and parents. Particularly, as Learn24 seeks to expand the grant size for small non-profit grantees, it must ensure the number of grants remains the same. Although some of the authority behind these decisions resides outside of Learn24, the Committee strongly urges the DME to use its purview to better coordinate across the DC government to ensure better stability.

***OST for Students with Disabilities and SPED Needs:*** The DME's proposed investments to expand OST access for students with disabilities and special education needs are encouraging, but some critical details are missing. The DME earmarks \$2.5 million in OST funding for students, and the broader budget has \$3.4 million for the Department of Parks and Recreation to support the Inclusive Summer Plus recreation activities. Also, a smaller \$400,000 is set aside to create summer camp spots for students with disabilities. These investments are necessary and will help ensure children with disabilities can more fully participate in public life. However, very little information has been shared regarding the scope and kind of the trainings, how student needs will be accommodated, or how sensitive student information will be shared with program providers. The Committee strongly recommends that Learn24 engage providers to answer their questions, so they can appropriately support some of our most vulnerable students.

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<sup>32</sup> See April 7<sup>th</sup>, 2023 FY24 Budget Oversight Government Witnesses [Testimony](#).

<sup>33</sup> See the [2023 Needs Assessment of out-of-school time programs in the District of Columbia](#).

<sup>34</sup> See March 3<sup>rd</sup>, 2023 Public Performance Hearing [Testimony](#).

**Charter Teacher Payments:** High-quality educators are the most critical factor in the academic recovery and achievement of students, and therefore, it is essential to treat Charter teachers fairly in the budget to accelerate academic growth. Earlier this year, the District signed a Collective Bargaining Agreement with the Washington Teacher's Union, providing back pay, raises, and future pay increases to DCPS teachers.<sup>35</sup> In the FY24 budget, funding was added to the Workforce Investment Account to offer similar pay increases to Public Charter School (PCS) teachers. The DME is coordinating with the education sector to provide PCS teachers with these pay increases. Specifically, there will be a 12.5% pay increase starting in FY 24, matching the increase for DCPS teachers, a 7.6% retroactive payment to cover a 3.5% teacher salary increase in School Year 2021-22, and a 4.0% increase in School Year 2022-23, reflecting the WTU's cost-of-living increases for two of the four negotiated years. Starting in FY 25, the DME expects salary increases across both sectors will be reflected in the unified per-student funding formula (UPSFF). The DME has proposed granting this year's funds to PCS teachers through OSSE.

Charter school teachers have expressed significant concerns about the payments to charter schools, including disparities in retroactive pay compared to DCPS teachers, the narrow definition of "teacher" in the contract, and the challenge of getting grants released in a timely manner through OSSE. Retroactive payments have already started going out to DCPS staff, and school year 2023-24 salary increases will be automatically provided to DCPS.<sup>36</sup>

Retaining and recruiting high-quality educators is the most critical factor in the academic recovery and achievement of students. Therefore, the Committee believes that charter school teachers should be treated fairly in the budget and that the definition of "teacher" for charter LEAs should be expanded to include additional pay for school staff more broadly. The Committee also believes that the Executive should have focused on adding equitable funding to the fiscal year 2024 budget for both DCPS and charter teachers. Teachers in DC should be rewarded for their hard work and dedication to helping our students gain academic momentum and recover from the pandemic. However, the Mayor's budget did not reflect that priority.

**Truancy/ Attendance:** DC Public and Public Charter schools and their staff are working hard to help students catch up on missed learning from the pandemic, but student attendance remains a continual roadblock to their success. Last school year at this time, 39% of students were chronically absent, and 10% were truant. Currently, 39% of students are chronically absent, and 9% are truant. There is a crisis, and the Mayor is proposing to spend \$3,860,000 less across targeted attendance programs than last year<sup>37</sup>. If the DME believes these interventions are ineffective it must lead the public discussion and try other strategies, initiatives, or approaches. As it did last year, the Committee recommends the DME coordinate across DC government to improve the number of students attending school.

**Safe Passage:** The Safe Passage, Safe Blocks program (Safe Passage) plays a crucial role in keeping our students safe and the DME must continue to play a significant part in coordinating

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<sup>35</sup> DC Council approved the WTU Contract on Feb 7<sup>th</sup>, 2023. More detail can be found [here](#).

<sup>36</sup> See April 5<sup>th</sup>, 2023 Education Public Budget Hearing [testimony](#).

<sup>37</sup> As shared in the [Pre-Hearing Questions Responses](#) for the April 7<sup>th</sup>, Education Budget Hearing for Government witnesses.



between educators and grantees, even as the program is moved to the Deputy Mayor of Public Safety and Justice (DMPSJ). The Committee continually hears from educators, advocates, students, and parents that student safety to and from school is one of their top concerns. Safe Passage workers have leveraged shared context and neighborhood relationships to keep students safe. Still, communication, coordination, and lack of training remain some of the key barriers to the success of implementing Safe Passage this school year.<sup>38</sup> Coordinating among school leaders, central administrations, Community-Based Organizations (CBO), and Safe Passage workers is complicated. The mayor's budget establishes the DMPSJ as the lead entity for Safe Passage because of their familiarity with the CBOs through other grant programs the office offers. However, the Committee is concerned about moving a program designed to support students from an education focused agency to a public safety and justice focused agency. The program is designed so that safe passage workers build trust with students because they are apart from the justice system, which the DMPSJ explicitly supports. As such, the Committee firmly believes that the DME is best leveraged to use its relationships within the education community and learned context to support the DMPSJ in training CBOs, supporting coordination efforts, and guiding the evaluation of the program, and strongly urges it to continue that role.

**P20W:** The Education to Employment Data System (P20W) represents a potentially valuable investment to answer some of the key policy questions about DC youth after they complete schooling. P20W will connect existing and future K-12 data systems to postsecondary and workforce data systems to understand how policy choices made early in a student's life affect their workforce outcomes. The P20W system should be able to answer questions such as which academic experiences are most likely to help prepare students for high-paying jobs and which work-based training programs are closing equity gaps for post-secondary employment. Similar systems are in place in over 20 states across the country with vastly different demographics, and the DME has committed to employing best practices from those states' learned experience.<sup>39</sup> The Committee recognizes the long-term value of the project and urges the DME to engage the research and education community on the first questions the data should answer.

**Youth Vaccination:** Even as the intensity of the COVID-19 public health crisis has lessened and the education community has made significant strides in reducing the number of non-compliant students, the DME is facing a different challenge in bringing the last roughly 18,000 students into compliance. Alongside DC Health, OSSE, PCSB, and DCPS, the DME has led the effort to enforce the District's Immunization Attendance Policy throughout last summer and SY 22-23. Their efforts have yielded fruit, as the percentage of non-compliant students in DC has decreased from over 30% to under 18%.<sup>40</sup> However, by definition, the existing supports and enforcement mechanisms have not worked for students still out of compliance, and the DME will need to consider creative approaches to reaching this last tranche of students. The Committee urges

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<sup>38</sup> The Committee heard testimony to his end at the March 1<sup>st</sup>, Education Cluster Performance Hearing for Public Witnesses.

<sup>39</sup> Kentucky generates a [public portal](#) for its Kentucky Future Skills Report and California is still building out its [Cradle to Career System](#).

<sup>40</sup> As shared by the DME in their [Pre-Hearing Response Questions](#) for the Agency Performance Oversight Hearing, March 3<sup>rd</sup>, 2023.



the DME to provide an update at the end of SY 22-23 to share progress, lessons learned, and a strategy for keeping our students and their communities safe and healthy.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Office of the Deputy Mayor for Education as proposed by the Mayor.

##### Policy Recommendations

1. For FY24 and beyond, the Committee recommends Learn24 focus on improving its core grant making functions while expanding the number of students it serves, providing year over year stability to grantees, and ensuring equity of access to its programs.
2. The Committee recommends scaling back the staff required for the MyAfterSchoolDC web platform but encourages the DME to aggressively pursue standing up OST programs for DC's neediest students through its MyAfterSchoolDC grant fund.
3. The Committee urges Learn24 to lead the DC Education agencies in serving as a clearinghouse for best practices and sounding board for the needs of its grantees. Specifically, they must work to address outstanding questions about access for students with disabilities and create stability for grantees.
4. The Committee highly urges the DME, in partnership with other agencies, to engage in a comprehensive discussing to foment a district wide approach to chronic absenteeism and truancy.
5. The Committee firmly believes that the DME is best leveraged to use its relationships within the education community and learned context to support the Safe Passage program, which is moving under DMPSJ, in training CBOs, supporting coordination efforts, and guiding the evaluation of the program.

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

#### I. AGENCY OVERVIEW

The Office of the State Superintendent of Education serves as the District of Columbia's State Education Agency (SEA), thereby granting OSSE oversight responsibility over all federal

education programs and related grants administered in the District of Columbia. OSSE has responsibility for setting state-level standards and annually assessing student proficiency, ensuring access to childcare and universal pre-k programs, providing funding and support to adult education providers and Local Education Agencies (LEAs) in achieving objectives, ensuring the state tracks and makes available accurate and reliable data, and assessing meaningful interventions to ensure quality improvements and compliance with state and federal law.

OSSE also houses the District’s special education transportation division (OSSE-DOT) and the Non-Public Tuition (NPT) program. Further, OSSE administers the District’s public charter school quarterly payments. Notably, OSSE-DOT, NPT, and the public charter school payments are represented in separate budget chapters and not included in the budget discussed in this chapter. For information on these three budgets and discussion of issues related to the relevant division/program, please see their respective chapters.

**Table GD-A: Office of the State Superintendent of Education  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	487,994	822,818	1,058,269	832,255	TBD	TBD
<b>Operating FTEs</b>	480.3	422.2	959.9	975.1	975.1	0
<b>Capital Funds</b>	2,407	5,228	9,663	4,187	4,187	0

*Source: Budget Books (dollars in thousands) – Awaiting balancing sheet for final entry.*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>41</sup>

The Fiscal Year 2024 budget proposal for the Office of the State Superintendent of Education is \$ 832,255,932, a decrease of \$226,013,706, or 21.4 percent, from the current fiscal year. The proposed budget supports 975.1 FTEs, an increase of 959.9 FTEs, or 1.6 percent, over the fiscal year. The increase in FTEs is a result of the new interagency budgeting process whereby FTEs formerly budgeted through intra-District funds to OSSE are now budgeted in the agencies in which they work.

**Local Funds:** The Mayor’s proposed budget is \$256,829 million, a decrease of \$6,152 or 2.3 percent, from the current fiscal year. The proposed budget supports 340.5 FTEs, an increase of 1, or 0.3 percent, from the current fiscal year.

<sup>41</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

***Dedicated Taxes:*** The Mayor’s proposed budget is \$5,690, a decrease of \$1,525 or 21.1 percent, from the current fiscal year. The proposed budget supports 21.2 FTEs, a decrease of 2.7 FTEs, or 11.3 percent, from the current fiscal year.

***Special Purpose Revenue Funds:*** The Mayor’s proposed budget is \$1,610, an increase of \$16, or 1.0 percent, from the current fiscal year. The proposed budget supports 5.5 FTEs, no change from the last fiscal year.

***Federal Payments:*** The Mayor’s proposed budget is \$77,571, a decrease of \$2,989, or 3.7 percent, from the current fiscal year. The proposed budget supports 27.3 FTEs, an increase of 5.6 FTEs, or 25.8 percent, from the current fiscal year.

***Federal Grant Funds:*** The Mayor’s proposed budget is \$490,376, a decrease of \$215,307, or 30.5 percent, from the current fiscal year. The proposed budget also supports 579.6 FTEs, an increase of 11.3 FTEs, or 2.0 percent, from the current fiscal year.

***Private Grant Funds:*** The Mayor’s proposed budget is \$163, a decrease of \$58, or 26.1 percent, from the current fiscal year. The proposed budget supports 1.0 FTEs, no change over the current fiscal year.

#### Mayor’s Proposed Fiscal Year 2024 Capital Budget

The Mayor’s proposed capital improvements plan includes \$4,187,720 over the 6 year financial plan. The funds are budgeted in FY2024.

### III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

***Administration of COVID-19 Federal Funding:*** As the District’s State Education Agency, OSSE is responsible for administering the state-level Elementary and Secondary School Emergency Relief (ESSER) Fund allocations awarded to the District for our Title I schools via the three COVID-19 federal relief legislation – the CARES Act (ESSER I), CRRSA (ESSER II), and American Rescue Plan Act (ESSER III).<sup>42</sup> With each ESSER allocation, 90% of the funds must go to the states’ LEAs, and each LEA has broad authority with regard to how it spends the funds. While OSSE can determine how to use the ESSER I and ESSER II 10% set-aside, the ARP Act requires OSSE to use 5% of the ESSER III 10% set-aside to tackle learning loss, 1% on summer programming, and 1% on after-school programming. This amounts to \$19,315,858, \$3,863,172, and

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<sup>42</sup> Adult public charter schools, preK schools, and non-Title I schools are not eligible for any ESSER funding. However, OSSE has tried to provide relief to these schools by either providing them SOAR funding or funds from OSSE’s allotment of ESSER funding.

\$3,863,172, respectively. Table A outlines the award amounts DC has received under each federal relief bill:

**Table A: Office of the State Superintendent of Education;  
ESSER II-III Federal Funding**

Federal Program w/LEA Subgrant	Period of Availability	Total Allocation to DC	OSSE's 10% Allocation	Max. Amount for OSSE Admin. (0.5%)	Amount Remaining to Be Spent	Percent Unspent
Coronavirus Response & Relief Supplemental Appropriations Act (CRRSA-ESSER II)	3/13/20-9/30/23	\$172,013,174	\$17,201,317	\$860,066	\$ 8,588,446	49.93%
American Rescue Plan (ARP-ESSER III)	3/13/20-9/30/24	\$386,317,154	\$38,631,715	\$1,931,586	\$ 31,910,420	82.57%

This funding presents the District with an opportunity to not only assist our students in recovering the learning loss that has occurred during the pandemic, but also to transform the education our students receive. Yet, if OSSE does not maintain strong oversight over the usage of the federal relief funding, we will miss that opportunity. The Committee urges OSSE to ensure that not only the agency is transparent about how it is utilizing the recovery grant funding, but also ensure that all funds are spent within the period of availability.

**Early Child Educator Pay:** OSSE has made significant strides in improving the lives of our valued early childhood educators. Since 2007, OSSE has been responsible for the oversight of the childcare sector in the District.<sup>43</sup> Specifically, OSSE licenses and regulates child development facilities, oversees the childcare subsidy program, ensures that infants and toddlers who have special needs receive services under IDEA Part C, and works to improve the quality of childcare. Additionally, OSSE oversees the Pre-K Enhancement and Expansion Program (PKEEP), which provides funding based on the Uniform Per Student Funding Formula (UPSFF) to child development facilities that provide high-quality pre-K programs to three and four-year-old children.

Given that the District provides universal pre-K, much of OSSE's focus has been on improving the quality of care provided to children from 0-3 years old. In response, the Council passed the Birth to Three for All DC Act of 2018.<sup>44</sup> The Birth-to-Three for All DC Act of 2018, requires OSSE to develop an updated compensation scale for child-development facilities to achieve compensation parity with elementary school teachers employed by the District of

<sup>43</sup> See D.C. Law 17-9, the "District of Columbia Public Education Reform Amendment Act of 2007.

<sup>44</sup> D.C. Law 22-179; D.C. Official Code § 4-410.01.

Columbia Public Schools (“DCPS”), considering teacher roles, credentials, and experience.<sup>45</sup> Because action was not taken upon implementation of this law, as part of the Fiscal Year 2022 Budget Support Act of 2021, the Council unanimously voted to form an Early Childhood Educator Equitable Compensation Task Force (“Task Force”) that was charged with proposing an employee compensation scale for early childhood-development providers and recommending a permanent system to implement a new employee compensation scale.<sup>46</sup>

The Task Force has completed its work and released two reports. The first report recommended a “direct-to-educator” short-term mechanism that would quickly disburse fiscal year 2022 and 2023 funds to eligible educators.<sup>47</sup> Furthermore, the Task Force recommended OSSE procure an experienced intermediary to manage the payment process, from intake and verification to payment and documentations, for the payments from the Early Childhood Educator Pay Equity Fund.<sup>48</sup> OSSE contracted with Aid-Kit and successfully delivered all payments to eligible educators within the given timeframe.<sup>49</sup> The final report contemplates long-term funding mechanisms to sustain the Fund’s disbursement by OSSE, including a definition of educator eligibility for compensation funds and a proposed salary scale that takes into account role, credential, and experience.<sup>50</sup> It also includes priorities for accountability and oversight, and anticipated program and administrative costs for the long-term mechanism.

As part of the Fiscal Year 2023 Budget Support Act of 2022, the Council worked with OSSE to construct the Early Childhood Educator Pay Equity Fund Amendment Act of 2022 to permanently implement a long-term funding mechanism of an updated scale to early child educators.<sup>51</sup> On April 12, 2024, OSSE released the required updated salary scale and cost of care analysis. The Committee commends the OSSE’s work in producing the updated tables and considering the WTU updated contract, which includes payment increases.

Following the recommendations of the Task Force and the legal requirements of the Early Childhood Educator Pay Equity Fund Amendment Act of 2022, at the beginning of fiscal year 2024, OSSE will begin distributing funds directly to child development facilities through a child development facility (CDF) payroll funding formula. To receive funds from the CDF payroll funding formula, child development facilities must be licensed by OSSE and agree to pay eligible early childhood educators, by position and degree, salaries that meet or exceed the minimum salaries established by OSSE for FY24.<sup>52</sup> Child development facilities are not required to participate in the Early Childhood Educator Pay Equity Fund, but it is highly encouraged. The Committee remains engaged with OSSE while it constructs this permanent mechanism beginning at the start of fiscal year 2024, as the Task Force suggested.

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<sup>45</sup> *Id.*

<sup>46</sup> D.C. Law 24-45; 68 DCR 12567.

<sup>47</sup> <https://lms.dccouncil.us/downloads/LIMS/48604/Introduction/RC24-0115-Introduction.pdf>; D.C. Official Code § 1-325.431 (citing \$53,920,878 in local funds shall be deposited into the fund in fiscal year 2022)

<sup>48</sup> *Id.*

<sup>49</sup> D.C. Law 24-311; 69 DCR 47.

<sup>50</sup> <https://lms.dccouncil.us/downloads/LIMS/49122/Introduction/RC24-0154-Introduction.pdf>

<sup>51</sup> D.C. Law 24-470; 69 DCR 8707.

<sup>52</sup> *Id.*; <https://osse.dc.gov/page/fiscal-year-2024-fy24-early-childhood-educator-pay-equity-fund>.

**Literacy:** Reading is fundamental, and is the one skill that affects a student's learning across all academic disciplines. Until the third grade, a child is learning to read, but by the end of third grade, a child is expected to read to learn. Thus, if a child falls behind and is not reading on grade level by the end of third grade, they are four times more likely to drop out of high school than proficient readers.<sup>53</sup> For this reason, the Council has focused on early literacy for years and as part of the Fiscal Year 2022 Budget Support Act of 2021, the Council unanimously voted to form an Early Literacy Education Task Force (Literacy Task Force) through the Structured Literacy Action Plan. The Literacy Task Force is charged to meet every six weeks and submit a report by September 30, 2023. This report will identify implementable steps to provide all public elementary school general education teachers, special education teachers, ELL teachers, and librarians, at least 45 hours of structured literacy training over 2 years.

The report shall further identify one literacy training program vendor to provide training to all trainees and recommend whether it is advisable to provide pre-kindergarten educators and educators serving DCPS and public charter school students above grade 5 with structured literacy training in future years. The Committee looks forward to reviewing the Literacy Task Force's findings and working with OSSE to implement the availability for citywide training to all teachers on the science of reading.

The Committee recognizes OSSE's independent investments for structured literacy training. Language Essentials for Teachers of Reading and Spelling (LETRS) 3rd Edition is a comprehensive professional development program which provides educators with a deep understanding of the science of reading and structured literacy. The proposed budget allows for OSSE to secure training opportunities for an *additional* 380 educators which totals 530 DC educators in LETRS training. Further, OSSE will distribute a stipend of \$1,200 to educators who complete their training. By focusing on the science of reading and providing teachers with training on foundational literacy, OSSE is tackling many of the goals and requirements set forth in the law.

**Initial Testing for Learning Loss Post-Pandemic:** The COVID-19 pandemic caused the District's public education students to transition from in-person learning to fully remote learning for the remainder of School Year (SY) 2019-2020, throughout SY 2020-2021, and for a great portion of SY 2021-22. On January 6, 2022, all District of Columbia Public Schools (DCPS) returned to in-person learning. The District's dedicated public teachers worked tirelessly to ensure that their students were being taught on schedule; however, while some students thrived, many students experienced severe academic learning loss, which has exacerbated the learning loss they already incurred prior to the pandemic.

School year 2021-2022 was the first year since the onset of the COVID-19 pandemic that OSSE resumed statewide assessments and the results demonstrate significant declines in student proficiency in both English Language Arts (ELA) and mathematics. Only 9% of Black students in the District met or exceeded expectations in math; yet, 70% of white students met or exceeded expectations in math.<sup>54</sup> Only 6% at-risk students met or exceeded expectation in math.<sup>55</sup> Only 6%

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<sup>53</sup> [https://assets.aecf.org/m/resourcedoc/AECF-Early\\_Warning\\_Full\\_Report-2010.pdf](https://assets.aecf.org/m/resourcedoc/AECF-Early_Warning_Full_Report-2010.pdf).

<sup>54</sup> District of Columbia 2022 Results, *National Assessment of Educational Progress (NAEP)*, October 2022.

<sup>55</sup> *Id.*

of students who attend public school in Ward 8 met or exceeded expectations in math.<sup>56</sup> Only 19% of students who took the math Partnership for Assessment of Readiness for College and Careers assessment were on or above grade level.<sup>57</sup>

**15. ELA Overall Sector Results by Student Group, 2022**

Race/Ethnicity	State % Met or Exceeded Expectations	PCS % Met or Exceeded Expectations	DCPS% Met or Exceeded Expectations
All Students	31%	25%	36%
At-Risk	15%	15%	16%
English Learners	19%	16%	20%
Homeless	13%	13%	13%
Students with Disabilities	8%	7%	10%
Female	36%	31%	41%
Male	25%	20%	30%

**18. Math Overall Sector Results by Student Group, 2022**

Race/Ethnicity	State % Met or Exceeded Expectations	PCS % Met or Exceeded Expectations	DCPS% Met or Exceeded Expectations
All Students	19%	16%	23%
At-Risk	6%	7%	6%
English Learners	14%	12%	15%
Homeless	6%	6%	6%
Students with Disabilities	6%	5%	8%
Female	19%	16%	22%
Male	20%	16%	23%

The Committee is keen to see progress in these results in the coming years. In the meantime, the Committee is willing to work with OSSE and all Executive agencies to determine the exact needs for our students going forward, as our students have suffered learning loss during the pandemic will be worse than predicted.

**Background Checks:** On March 24, 2023, Bill 24-989, the “Educator Background Check Streamlining Amendment Act of 2022” was enacted.<sup>58</sup> D.C. Law 24-317 removes the review of the Child Protection Register as a required step in the educator background check process now and requires local education agencies review the National Sex Offender Registry in considering volunteers and applicants for employment to positions in schools or in settings where children are present. D.C. Law 24-317 also removes a notarization requirement and revises the process for expungement of reports from the Child Protection Registry. The Committee believes this law will support the Executive in recruiting more qualified staff and volunteers into our schools and as a result, the Council has fully funded this law in fiscal year 2024 and looks forward to monitoring the ease of volunteers and applicants, while ensuring student safety.

**IV. COMMITTEE RECOMMENDATIONS**

Committee’s Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 operating budget for the Office of the State Superintendent of Education as proposed by the Mayor, with the following changes:

1. Increase of **\$1,900,000** for to provide healthy school meals grant to a non-profit provider.
2. Recognize **\$250,000** in savings from striking the proposed “Children and Youth Marijuana Education Grants Amendment Act of 2023.”

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> D.C. Law 24-317; 70 DCR 3548.

3. Increase of **\$822,367** to partially restore funding to the Heathy Schools Fund. These funds were transferred in from the Committee on Health.
5. Decrease of **\$629,209** to eliminate 4.75 long-vacant FTEs.
6. Decrease **\$2,525,000** of one-time local funding for IMPACTplus payments and replace with \$2,525,000 of one-time ESSER III funds for fiscal year 2024. Please note that while these funds sit within the OSSE portfolio, these are ESSR III funds dedicated solely to DCPS.

*Committee's Recommended Fiscal Year 2024 Capital Budget*

The Committee recommends adoption of the Fiscal Year 2024 capital budget for the Office of the State Superintendent of Education as proposed by the Mayor.

*Policy Recommendations*

1. The Committee calls for OSSE to work collaboratively with ECE and advocates to spread awareness of the Pay Equity Fund.
2. The Committee recommends that OSSE continue to stay vigilant in expending all federal funding before the deadline.
3. The Committee urges OSSE to stay abreast of reporting deadlines.

**SPECIAL EDUCATION TRANSPORTATION**

**I. AGENCY OVERVIEW**

The mission of Special Education Transportation, also known as the Office of the State Superintendent of Education Division of Student Transportation (OSSE-DOT), is to provide safe, reliable, and efficient transportation services that positively support learning opportunities for eligible students from District of Columbia. OSSE-DOT's work is designed to achieve four main objectives: 1) safety; 2) efficiency; 3) reliability; and 4) customer focus.

OSSE-DOT provides safe and efficient student transportation services for eligible students as determined by Local Education Agencies (LEAs). The agency maintains the means to transport eligible students safely and on time and continuously aims to improve service levels by



collaborating with parents, school staff, and special education advocates. While OSSE-DOT is housed within OSSE, its budget is separate from OSSE’s and is reflected in this chapter.

**Table GO-A: Special Education Transportation  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	120,623	120,623	116,782	117,423	117,423	0
<b>Operating FTEs</b>	1,306.0	1,342.3	1,451.1	1,348.1	1,348.1	0
<b>Capital Funds</b>	9,049	5,613	5,416	1,428	1,428	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>59</sup>

The Fiscal Year 2024 budget proposal for Special Education Transportation is \$117,423,232 a decrease of \$641,000 or 3.8 percent, from the current fiscal year. The proposed budget supports 1,348.1 FTEs.

**Local Funds:** The Mayor’s proposed budget is \$107.423 million an increase of \$5.679 million or 5 percent, from the current fiscal year. The proposed budget supports 1,348.1 FTEs.

**Federal Grant Funds:** The Mayor’s proposed budget is \$10,000 an increase of \$1,000 from the current fiscal year. The proposed budget supports no FTEs.

### Mayor’s Proposed Fiscal Year 2024 Capital Budget

The Mayor’s fiscal year 2024 capital budget proposal for Special Education Transportation is \$1,428,316.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2023 budget and agency performance over the last year.

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<sup>59</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

**Driver Shortage:** OSSE-DOT's mission is to provide safe, reliable, and efficient transportation services that positively support learning opportunities for eligible students from the District of Columbia.<sup>60</sup> The agency's work is designed to achieve four main objectives: Safety, Efficiency, Reliability, and Customer Focus. At the 2022-2023 performance oversight hearing as well as the proposed fiscal year 2024 budget hearing, witnesses expressed concern regarding OSSE-DOT's performance.<sup>61</sup> The COVID-19 pandemic brought a national driver shortage and even with incentives, it is difficult to attract and retain drivers. Through no fault of its own, OSSE-DOT cannot compete with both public and private driving employment opportunities.

**Vacancies:** In the proposed fiscal year 2024, budget chapter, OSSE-DOT lists a net decrease of 82.2 FTEs under Terminal Operations (Program T600). This concern emerges from the ongoing bus driver shortage, which was discussed at the 2022-2023 performance oversight hearing as well as the proposed fiscal year 2024 hearing.<sup>62</sup> However, Dr. Grant testified that those FTEs are a compilation of staff services, including attendants, drivers, and others.<sup>63</sup> Further, she also stated that OSSE currently has an offer of employment out to a majority of the 70 open vacancies.<sup>64</sup> It is not clear as to where funding will arise for the remaining vacancies should OSSE-DOT hire additional drivers.

**Route Change:** On Monday, January 9, 2023, OSSE-DOT began running new bus routes for all students receiving services. This change was aimed to increase route efficiency and reduce routing challenges that families have experienced. However, the changed routing plan was met with multiple dropped routes and late busses. The reason was an influx of staff callouts on top of existing staffing shortages.

To address late and dropped routes, OSSE-DOT implemented a \$25,000 retention incentive to maintain retirement-eligible staff during peak seasons. Also, in August of 2022, OSSE implemented a back-to-school attendance incentive focused on meeting Start of School attendance requirements for bus staff. This incentive provided \$2,500 to bus staff for perfect attendance during the first semester of the school year. Dr. Grant reports that this incentive has led to fewer callouts.<sup>65</sup> OSSE-DOT also continues to host hiring fairs and aims to fill vacancies quickly. This year, OSSE-DOT extended over 50 on the spot offers and over 200 participants were added to the candidate pool for interview follow ups.<sup>66</sup> OSSE-DOT also established and promoted a new one-time \$3,000 hiring bonus for new school bus drivers (after successfully completing 90 days of employment).

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<sup>60</sup> <https://osse.dc.gov/service/student-transportation>.

<sup>61</sup> *Performance Oversight Hearing: Office of the State Superintendent*. March 1, 2023. Testimony of Danielle Robinson and Testimony of Karla Reid-Witt; *Budget Oversight Hearing: Office of the State Superintendent*. April 7, 2023. Testimony of Stephanie Maltz.

<sup>62</sup> *Id.*

<sup>63</sup> *Budget Oversight Hearing: Office of the State Superintendent*. April 7, 2023. Testimony of Dr. Christina Grant, Superintendent, Office of the State Superintendent.

<sup>64</sup> *Id.*

<sup>65</sup> *Budget Oversight Hearing: Office of the State Superintendent*. April 7, 2023. Testimony of Dr. Christina Grant, Superintendent, Office of the State Superintendent.

<sup>66</sup> *Responses to Fiscal Year 2024 Budget Oversight Questions: Office of the State Superintendent of Education*, March 31, 2023.

***Electric Vehicles:*** The District is dedicated to increasing the use of clean energy sources, but that commitment was not mirrored in OSSE-DOT’s proposed fiscal year 2024 budget. The Committee applauds OSSE’s efforts in securing a pilot of ten electric busses. This year, OSSE-DOT applied for, and won, \$7.625 million in federal funding to electrify school buses through the EPA’s 2022 Clean School Bus Rebate program.<sup>67</sup> The District of Columbia was one of just 27 districts nationwide, to win the maximum rebate, for 25 school buses. The Committee remains focused on advancing a green agenda and encourages OSSE to act quickly to convert the entire fleet to electric vehicles.

***Bus Fleet:*** The Mayor is proposing to cut approximately \$6.3 million over the next four years for bus vehicle replacement. This is counter intuitive OSSE’s performance responses in attempting “to retire the oldest, most costly-to-repair units to achieve the goal of maintaining a healthy reliable fleet at 5 years of age or younger.”<sup>68</sup> OSSE-DOT’s current bus fleet consists of 697 vehicles and of those, 454 are 2016 models or older.<sup>69</sup>

***GPS:*** OSSE-DOT communicates delays and updates in multiple ways. Some of these modes include robocalls, texts, and a newly established a webpage that lets the public know about all late and down routes: <https://osse.dc.gov/page/daily-dot-updates>. This website is updated multiple times throughout the day. We hope this transparent communication will help bring understand and additional clarity to families served by OSSE-DOT. However, the Committee received testimony at the 2022-2023 Performance Oversight Hearing pleading for greater real time GPS tracking for parents.<sup>70</sup> Dr. Grant testified that OSSE fully understands this request and they are still looking for a way to do with student privacy in place.

#### IV. COMMITTEE RECOMMENDATIONS

##### *Committee’s Recommended Fiscal Year 2024 Operating Budget*

The Committee recommends adoption of the Fiscal Year 2024 operating budget for Special Education Transportation as proposed by the Mayor.

##### *Committee’s Recommended Fiscal Year 2024 Capital Budget*

The Committee recommends adoption of the Fiscal Year 2024 capital budget for Special Education Transportation as proposed by the Mayor.

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<sup>67</sup> *Id.*

<sup>68</sup> Fiscal Year 2024 Proposed Budget Capital Improvement Plan.

<sup>69</sup> *Id.*

<sup>70</sup> *Performance Oversight Hearing: Office of the State Superintendent*. March 1, 2023. Testimony of Rochanda Hiligh-Thomas.

Policy Recommendations

1. The Committee remains focused on advancing a green agenda and encourages OSSE to act quickly to convert the entire fleet to electric vehicles.
2. The Committee urges OSSE-DOT continue to recruit and retain bus drivers.
3. Should OSSE-DOT need to re-route again, the Committee recommends OSSE-DOT communicate any foreseeable changes to parents and guardians ahead of changes.

**STATE BOARD OF EDUCATION**

**I. AGENCY OVERVIEW**

The mission of the District of Columbia State Board of Education (SBOE) is to provide policy leadership, support, advocacy, and oversight of public education to ensure that every student is valued and gains the skills and knowledge necessary to become informed, competent, and contributing global citizens. The SBOE views its role in achieving this mission as one of shared responsibility, whereby it engages families, students, educators, community members, elected officials, and business leaders to play a vital role in preparing every child for college and/or career success. The Office of the Ombudsman and the Office of the Student Advocate are independent agencies housed within the SBOE.

**Table GE-A: DC State Board of Education  
 Total Funds Budget FY 2021-2024**

	<b>Actual 2021</b>	<b>Actual 2022</b>	<b>Approved 2023</b>	<b>Mayor 2024</b>	<b>Committee 2024</b>	<b>Change</b>
<b>Operating Funds</b>	\$2,044	\$2,653	\$2,717	\$2,629	\$2,956	\$326
<b>Operating FTEs</b>	29.1	30.6	32.0	30.0	33.0	3
<b>Capital Funds</b>	0	0	\$353	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR'S PROPOSED BUDGET

### Mayor's Proposed Fiscal Year 2024 Operating Budget<sup>71</sup>

The Fiscal Year 2024 budget proposal for the D.C. State Board of Education is \$2,629, a decrease of \$88 or 3.2 percent, from the current fiscal year. The proposed budget supports 30.0 FTEs.

**Local Funds:** The Mayor's proposed budget is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Budget Adequacy:** The SBOE has continued to expand its role in serving students and families in FY24, and at the very least, needs the same resources to continue this work in FY24. The Committee commends the SBOE on their public engagement and discussion of topics including Social Studies Standards, Menstrual Health Standards, Early Literacy, the STAR framework, and Sexual Assault and Abuse in Schools.<sup>72</sup> This wide-ranging and considerate engagement over the past year is typical of their work. As part of the FY24 budget, the SBOE member salaries were increased by \$5,000 and pegged to inflation moving forward. The increase to the SBOE Members' compensation is both well-deserved and long-awaited. As the SBOE has expanded the scope and breadth of its work and community engagement, it has requested additional staff to meet administrative and community engagement capacity. The Committee is providing an additional staff member to support the SBOE's administrative capacity in FY24. The Committee is supportive of the SBOE expanding its footprint and has a high level of confidence in members' previous and future community engagement capacity and work.

The demand for the services provided by the Office of the Student Advocate and Office of the Ombudsman for Public Education has been increasing for several years, and additional support is needed to meet this growing need. The Office of the Student Advocate is on pace to have another record year, with nearly 800 calls to its hotline, and over 2,000 stakeholder connections.<sup>73</sup> Similarly, the Office of the Ombudsman for Public Education has seen 22% increase in contacts from families seeking support on a wide range of topics, including special education, enrollment, and student safety. To support these offices' needs, the Committee is converting two positions, which were previously funded by the American Rescue Plan Act stimulus, into locally funded positions. However, even with the restoration of these positions, the offices will still have unmet demand for their services. As we move further away from the COVID-19 pandemic, the Committee hopes that the demand for their services will decrease. Regardless, the Committee

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<sup>71</sup> The Mayor's proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

<sup>72</sup> See the SBOE March 3<sup>rd</sup>, 2023 Performance Oversight Hearing [Testimony](#) for more details.

<sup>73</sup> See the OSA April 7<sup>th</sup>, 2024 Budget Oversight Hearing [Testimony](#) for more details.

remains committed to supporting the work of the offices of the Ombudsman and Student Advocate as they provide crucial services to District students and families.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 operating budget for the State Board of Education as proposed by the Mayor with the following changes:

1. Increase of **1.0 FTE** for a new Finance and Operations Coordinator (State Board)
2. Increase of **1.0 FTE** for a new Assistant Ombudsman (Office of the Ombudsman)
3. Increase of **1.0 FTE** for a new Program Associate (Office Student Advocate)

## UNIVERSITY OF THE DISTRICT OF COLUMBIA

#### I. AGENCY OVERVIEW

The University of the District of Columbia (UDC) is an urban land-grant institution of higher education. Through its certificate, associate, bachelor, masters, doctorate and professional programs, UDC offers affordable post-secondary education to District of Columbia residents. These programs prepare students for immediate entry into the workforce, the next level of education, specialized employment opportunities, and lifelong learning.

The University is governed by a board of trustees comprised of 15 members, 11 of whom are appointed by the Mayor with the advice and consent of the Council, one who is a full-time student in good-standing at the University, and three who have either graduated UDC or one of its predecessor institutions.

**Table GF-A: University of the District of Columbia;  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	177,091	171,201	196,434	199,800	199,800	417
<b>Operating FTEs</b>	948.4	948.4	948.4	948.4	950.5	2.1
<b>Capital Funds</b>	N/A	N/A	50,000	65,000	65,000	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget

The Fiscal Year 2024 budget proposal for the University of the District of Columbia is \$199.800 million, an increase of \$3.66 million, or 1.7% percent, from the current fiscal year. The proposed budget supports 950.5 FTEs, an increase of 2.1 from the current fiscal year.

### Mayor’s Proposed Fiscal Year 2024 Capital Budget

The Mayor’s proposed capital improvements plan includes \$141.5 million over six years for UDC’s improvements. This is a \$78 million dollar cut from the approved fiscal year 2023-2028 plan.

More specifically, \$28 million of the capital improvement funds will contribute to the 4250 Connecticut Avenue building renovation, \$20 million will contribute to improvements for the community college space at Bertie Backus. A total of \$23 million over the next four fiscal years will contribute to classroom and lab renovations. A total of \$49 million over the next four fiscal years will contribute to HVAC and IT upgrades. A total of \$7 million over the next three fiscal years will contribute to roof, windows, and elevator upgrades. Lastly, a total of \$14 million over the next three fiscal years will contribute to the Van Ness Exterior restoration.

While the Mayor’s proposed capital improvements plan includes funding for several necessary improvement projects, it also proposes a cut of \$28 million in fiscal year 2028 to eliminate the opportunity for the University to purchase Old Congress Heights, a purchase the University has been attempting for several years.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and UDC’s performance over the last year.

**Enrollment:** A key to a successful education system in the District is a thriving public university, and instrumental to having a thriving public university is its enrollment. Thus, as the District’s only public institution of higher education, it is essential that UDC’s enrollment not only remain steady but grow. Given this, the Committee has monitored the University’s enrollment over the years. A part of this monitoring involves not just watching UDC’s overall enrollment but also looking at the enrollment of UDC’s four-year institution, Community College (UDC-CC), and law school. Since UDC-CC was formed in 2009, the Committee has focused on UDC’s enrollment data. The table below shows UDC’s enrollment, broken down by undergraduate, graduate, law school, and community college, from academic year 2012-2013 through its most recent academic year, 2022-2023.

**Table GF-B: University of the District of Columbia;  
 Enrollment Academic Years 2012-2022**

Students	Fall 2012	Fall 2013	Fall 2014	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019	Fall 2020	Fall 2021	Fall 2022
Undergraduate	2,019	2,026	1,959	2,124	2,051	2,009	1,957	1,938	1,791	1,603	1,440
Graduate	253	299	312	320	368	388	377	371	340	289	290
Law School	380	344	315	313	286	280	256	257	228	240	230
UDC-CC	2,838	2,686	2,532	2,361	1,899	1,850	1,910	1,890	1,594	1,344	1,617
<b>Total</b>	<b>5,490</b>	<b>5,355</b>	<b>5,118</b>	<b>5,118</b>	<b>4,604</b>	<b>4,527</b>	<b>4,500</b>	<b>4,456</b>	<b>3,953</b>	<b>3,476</b>	<b>3,577</b>

Source: UDC’s FY2022-2023 Performance Oversight Responses, Q. 37.

While universities and colleges nationwide saw a decline in enrollment due to the COVID-19 pandemic, UDC has been experiencing a declining number even before the onset of the pandemic. However, the Fall 2022 enrollment trended upward, as UDC enrolled over a hundred more students than Fall 2021. Moreover, the Spring 2023 enrollment is also higher than last spring’s enrollment, a promising sign that the University is on its way to rebounding back to pre-pandemic enrollment levels.<sup>74</sup> UDC has made strides towards increasing enrollment. Among other steps including increasing scholarship, redesigning registration, and targeting outreach, the University is also in search of a new Vice President for Enrollment Management.<sup>75</sup>

**Investing in Faculty and Staff:** Investing in faculty and staff at any University holds a direct correlation to student retention and enrollment. Thus, as the District’s only public institution of higher education and as a Historically Black University, the District must prioritize UDC’s faculty and staff. UDC staff receive significantly lower salaries than competing Universities. For this reason, UDC struggles with retaining talented faculty and staff. The Committee is dedicated to the upward progress and success of the University, and that begins with ensuring faculty and staff receive a fair and competitive compensation.

**Early Childhood Educator Credentials:** In December 2016, the Office of the State Superintendent of Education (OSSE) issued regulations that required all childcare providers in the

<sup>74</sup>2022-2023, Performance Oversight Responses, University of the District of Columbia, Q. 39.

<sup>75</sup> Id. at 40.



District to obtain requisite credentialing or degrees to become ECE teachers.<sup>76</sup> Specifically, OSSE is requiring all ECE teachers to have at least an associate degree in ECE, child and family studies, or a closely related field by December 2, 2023.<sup>77</sup> As a result, UDC began to offer a targeted associate degree program to the bilingual ECE teachers in the District. During UDC's proposed fiscal year 2024 budget hearing, the Committee heard from bilingual ECE providers and advocates who expressed support in this program.<sup>78</sup> Last year, the Committee identified \$850,000 in additional one-time funding to assist educators in completing their credentials by the deadline, December 2023. The Committee applauds the work of the hundreds of bilingual ECE providers and acknowledges the hardship of those who must attain an associate degree to maintain employment as an ECE educator. The Committee commits to working with UDC, the bilingual ECE educators, and OSSE to identify additional funding sources to continue this necessary and important initiative.

**Capital Projects:** Over the past decade, UDC has faced a decline in its capital budget. The approved fiscal year 2012 budget included over \$212 million for UDC over the six-year Capital Improvement Plan (CIP) period, but within two years, UDC's CIP budget was reduced to just \$70.234 million. Because of these reductions, the University had to reevaluate their capital project plan, delaying several projects or eliminating them altogether. In the Mayor's proposed fiscal year 2021 and 2022 budget, she again reduced UDC's capital budget by \$11.5 million and \$22 million, respectively. This decision eliminated the University's ability to purchase the Old Congress Heights (OCH) School for its Workforce Development and Lifelong Learning (WDLL) programs by 2026. At the Proposed Fiscal Year 2023 Budget Oversight Hearing, President Mason revealed that UDC must purchase the site by 2025.<sup>79</sup> However, sufficient funds do not currently exist.<sup>80</sup> In fact, the Mayor is proposing completely eliminating all funds from this project.<sup>81</sup>

At both the Proposed Fiscal Year 2023 and 2024 Budget Oversight Hearings, President Mason clearly stated that UDC's top priority is to renovate 4250 Connecticut Avenue. He explained "4250 is the linchpin in our renovation plan for our Van Ness campus – the longer we delay the full renovation of that building, the longer we must defer renovating all our other buildings."<sup>82</sup> In fact, he officially requested the Committee provide UDC with an additional \$23 million to renovate 4250 more quickly. Multiple witnesses also testified to the need for an additional \$23 million to renovate 4250 Connecticut Avenue more quickly to begin the domino

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<sup>76</sup> DCMR Title 5-A, § 165.1. OSSE will also allow an individual to have an associate degree in some other field but the ECE teacher also has to meet certain coursework and observation requirements. OSSE originally required ECE teachers to fulfill this requirement by December 2, 2020, but OSSE has extended the deadline to December 2023.

<sup>77</sup> *Id.*

<sup>78</sup> *Budget Oversight Hearing: University of the District of Columbia*. March 30, 2023. Testimony of Teresa Aspinwall, The Multicultural Spanish Speaking Association; Sia Barbara Furguson Kamara, DC Early Learning Collaborative; D.C. Law 38–274.01.

<sup>79</sup> *Budget Oversight Hearing: University of the District of Columbia*. March 29, 2022. Testimony of Ronald Mason, President, University of the District of Columbia.

<sup>80</sup> FY23 Proposed Budget.

<sup>81</sup> *Id.*; FY22 Proposed Capital Improvement Plan proposed \$14M in FY24 and \$14M in FY25.

<sup>82</sup> *Budget Oversight Hearing: University of the District of Columbia*. March 29, 2022. Testimony of Ronald Mason, President, University of the District of Columbia.

effect to finally overhaul UDC's campus.<sup>83</sup> The Committee has been and remains committed to addressing UDC's infrastructure needs.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the University of the District of Columbia as proposed by the Mayor.

##### Policy Recommendations

1. For the last ten fiscal years, the University has been forced to delay projects, which has resulted in increased spending on costly, piecemeal, and temporary fixes. Thus, the Committee strongly urges the Executive commit to fully to supporting the District's only public institution of higher education by increasing and not continually removing capital funding for UDC's capital improvement plan.
2. The Committee supports UDC's request fundraising match at a ratio of 1:1 – for every dollar the University raises, the Council will match, up to \$2 million.
3. The Committee recommends that UDC maintain its fundraising efforts and continue to identify methods for broadening its donor base and diversifying its fundraising sources as it recovers from the pandemic
4. The Committee notes that the University must continue aggressively to identify other successful strategies for enrolling and retaining students over the next several years.
5. The Committee suggests that UDC and the bilingual early childhood education educators continue to work with OSSE and the various ECE teacher prep programs funded through OSSE to identify funding sources to increase the Early Childhood Higher Education Initiative (HEI) Scholarship Fund.

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<sup>83</sup> *Id.*, Testimony of Antoine Kirby Kirby, Educational Services; Teresa Aspinwall, The Multicultural Spanish Speaking Association.

# UNIVERSITY OF THE DISTRICT OF COLUMBIA SUBSIDY

## I. AGENCY OVERVIEW

The University of the District of Columbia (UDC) Subsidy Account reflects the total local funds that UDC receives from the District of Columbia.

**Table GC-A: University of the District of Columbia Subsidy  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	91,083	93,725	96,448	96,790	96,790	0
<b>Operating FTEs</b>	0.0	0.0	0.0	0.0	0.0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget

The Fiscal Year 2024 budget proposal for the University of the District of Columbia Subsidy is \$96,790,340, an increase of \$341,957, or 0.4 percent, from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The Mayor’s proposed budget is \$96,790 million, an increase of \$759,000, or 0.8 percent, from the current fiscal year. The proposed budget supports no FTEs.

**Federal Payment:** The Mayor’s proposed budget is \$0, a decrease of \$417,000, or 100 percent, over the current fiscal year. The proposed budget supports no FTEs.

## III. COMMITTEE COMMENTARY

For Committee Commentary related to the University of the District of Columbia, please see pages earlier of this report.

## IV. COMMITTEE RECOMMENDATIONS

### Committee’s Recommended Fiscal Year 2024 Capital Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the University of the District of Columbia as proposed by the Mayor.

## DEPARTMENT OF BUILDINGS

### I. AGENCY OVERVIEW

The mission of the Department of Buildings is to protect the safety of residents, businesses, and visitors and advance the development of the built environment through permitting, inspections, and code enforcement.

**Table CU0-A: Department of Buildings  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	0	0	65,754	62,185	62,739	554
<b>Operating FTEs</b>	0.0	0.0	379	348	354	6
<b>Capital Funds</b>	0	0	3,706	2,538	2,538	0

*Source: Budget Books (dollars in thousands)*

### II. MAYOR’S PROPOSED BUDGET

#### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>84</sup>

The Fiscal Year 2024 budget proposal for the Department of Buildings (DOB) is \$62,185, a decrease of \$3,569 from the fiscal year 2023 budget. The proposed budget supports 348.0 full-time equivalent positions, a decrease of 31 positions from the fiscal year 2023 budget.

<sup>84</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands.

**Local Funds:** The Mayor’s proposed budget is \$43,392. The proposed budget supports 242 FTEs.

**Special Purpose Funds:** The Mayor’s proposed budget is \$16,056. The proposed budget supports 89 FTEs.

**Federal Funds:** The Mayor’s proposed budget is \$2,737. The proposed budget supports 17 FTEs.

**Private Funds:** The Mayor’s proposed budget is \$0. The proposed budget supports 0 FTEs.

**Intra-District Funds:** The Mayor’s proposed budget is \$0. The proposed budget supports 0 FTE.

Mayor’s Proposed Fiscal Year 2024 Capital Budget

The Mayor’s capital improvement plan includes \$3,863 for DOB over the 6-year plan. The plan authorizes \$2,539 for fiscal year 2024, \$199 for fiscal year 2025, \$205 for fiscal year 2026, \$211 for fiscal year 2027, \$440 for fiscal year 2028, and \$269 for fiscal year 2029.

**III. COMMITTEE COMMENTARY<sup>85</sup>**

The Committee provides the following commentary, recommendations, and concerns about the fiscal year 2023 proposed budget for the Department of Buildings.

The Department of Buildings (DOB) began operations as a new department on October 1, 2022. The agency is responsible for the administration and enforcement of construction compliance, rental housing safety, and residential property maintenance activities, functions previously handled by the former Department of Consumer and Regulatory Affairs (DCRA).

**Staffing at DOB:** The Mayor’s proposed fiscal year 2024 budget for DOB funds approximately 348 full-time equivalent (FTE) positions, a reduction of 31 FTEs from the approved fiscal year 2023 budget. Roughly 70% of the reduction in FTEs comes from cuts to the Building Inspection Division and the Rental Housing Inspections Division.

**Table CU0-B: Department of Buildings  
Approved 2023 FTEs vs. Proposed Fiscal Year 2024 FTEs**

	FY23	FY24	Difference
<b>Administrative Services</b>	100	97	-3
<b>Agency Financial Operations</b>	2	2	0
<b>Permitting Division</b>	60	60	0

<sup>85</sup> All budget figures presented here are dollars in thousands.

	FY23	FY24	Difference
<b>Construction Compliance Division</b>	3	3	0
<b>Building Inspection Division</b>	44.5	33.5	-11
<b>Green Building Division</b>	12	12	0
<b>Surveyor's Office</b>	8	8	0
<b>Third-Party Inspection Program</b>	10.5	10.5	0
<b>Vacant and Blighted Property</b>	21	19	-2
<b>Rental Housing Inspections Division</b>	61	50	-11
<b>Housing Rehabilitation Division</b>	18	18	0
<b>Code Enforcement Division</b>	2	2	0
<b>Civil Infractions &amp; Assessments</b>	20	16	-4
<b>Zoning Administrator</b>	17	17	0
<b>Total</b>	379	348	-31

As the Committee noted in last year's budget report, adequate staff capacity is a key component of ensuring DOB is more effective than its predecessor agency, the Department of Consumer and Regulatory Affairs.<sup>86</sup> This is why the Council approved an additional 41 positions in the fiscal year 2023 budget.<sup>87</sup> Reducing FTEs, as the Mayor proposes to do in the fiscal year 2024 budget, will negatively impact DOB's ability to respond to housing code and illegal construction complaints. As shown in Table CU0-C, the Mayor's proposed budget would mean each DOB-employed housing code inspector would conduct approximately 440 housing inspections in fiscal year 2024,<sup>88</sup> and each DOB-employed illegal construction inspector would be conducting roughly 361 illegal construction inspections this fiscal year.<sup>89</sup> This is not a sustainable workload for DOB inspectors.

**Table CU0-C: Department of Buildings Inspector Workloads**

	FY Inspections Per Inspector
<b>Housing Code</b>	440
<b>Illegal Construction</b>	361

*Note: Housing code includes complaint-based and one/two-family rental inspections.*

Given the importance of adequate staff capacity, it is a priority of the Committee to restore 26 FTEs cut in the Building Inspection Division, the Rental Housing Inspections Division, and the Civil Infractions & Assessments Division. To that end, the Committee identified funding in Non-Departmental (DO0) that will restore six FTEs within the Rental Housing Inspections Division: a

<sup>86</sup> Committee of the Whole, Fiscal Year 2023 Budget Report, pgs. 74-75.

<sup>87</sup> The additional positions funded by the Council were as follows: 29 housing code inspectors, 6 vacant and blighted property inspectors, 3 building code inspectors, and 3 combination code inspectors.

<sup>88</sup> To produce this estimates, the Committee assumes that there will be around 13,500 complaint-based housing code inspections and 8,500 one/two family rental inspections in fiscal year 2023. These estimates are close to the number of inspections conducted in fiscal year 2022. Of those inspections, the Committee assumes that "resident inspectors" will conduct around 3,500 inspections, leaving 18,500 inspections for 42 DOB housing code inspectors.

<sup>89</sup> To produce this estimate, the Committee assumes that there will be around 4,200 illegal construction inspections in fiscal year 2023. Of those, the Committee assumes that "resident inspectors" will conduct around 950 illegal construction inspections, leaving 3,250 inspections for 9 DOB illegal construction inspectors.

Housing Code Specialist position, a Housing Code Inspector I position, a Housing Code Inspector II position, and three Housing Code Inspector III positions. Unfortunately, the Committee could not identify additional funding to restore the other positions. The Committee intends to try to identify additional funding to restore the 20 FTEs in the full budget.

**Key Performance Indicators:** The fiscal year 2024 performance plan for the Department of Buildings contains approximately 15 key performance indicators (KPIs), all of which are new.<sup>90</sup> Of these KPIs, only two measure outcomes that are unrelated to departmental response time. Those KPIs are:

- Number vacant properties returned to productive use; and
- Number of housing code violation(s) abated by property owners or DOB.

For the first KPI, the Department has set a target of 150 properties. For the second KPI, the Department set a target of 4,500 properties.

While the Committee is pleased to see the addition of KPIs that attempt to measure enforcement outcomes, the Committee believes that these specific KPIs will not provide useful information to the public or the Council. For instance, the second KPI combines abatements done by property owners and DOB, obscuring the rate of compliance by property owners who receive a notice of infraction (NOI). Additionally, the KPI tells us nothing about whether abatements done by property owners are up to code. If an abatement is done poorly, the issue may reoccur in a matter of days, weeks, or months. Indeed, the Committee continues to hear from legal service providers and tenants about this very problem. Given these deficiencies, the Committee recommends that DOB adopt the KPIs set forth below.

First, DOB's performance plan should contain KPIs related to housing code inspections and enforcement shown in Table CU0-C. These KPIs would measure compliance with the housing code and the quality of the Department's inspections and legal justification for issuing an NOI. These KPIs would provide useful information for the Department and the public. For instance, based on information provided to the Committee for the agency's performance oversight hearing in February, the compliance rate for the first proposed KPI is currently around 58%.<sup>91</sup> Data from the Department's enforcement dashboard suggests that a disproportionate number of violations were found at a small number of properties.<sup>92</sup> This suggests the Department needs to engage in more targeted, strategic housing code enforcement to increase the compliance rate. While the Department will undoubtedly contend that compliance is not only a function of formal enforcement or the sole purview of DOB, the Committee nonetheless believes it is important to measure

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<sup>90</sup> The Department of Buildings, FY2024 Performance Plan. March 22, 2023  
(<https://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DOB24.pdf>).

<sup>91</sup> Of the nearly 11,500 proactive inspections conducted in fiscal year 2022, nearly 42% resulted in one or more violation being found.

<sup>92</sup> The data included nearly 1,000 NOIs issued as a result of proactive inspections in fiscal year 2022. Of those NOIs, 10 properties accounted for nearly a third (30.5%) of violations.

compliance wherever possible. As the Committee noted last year, agencies such as New York City’s Department of Buildings use similar metrics.<sup>93</sup>

**Table CU0-D: Department of Buildings  
 Proposed Key Performance Indicators for Housing Code Violations**

Performance Indicator(s)	Indicator Category
Percent of proactive housing code inspections where a violation was found.	Compliance
Percent of complaint-based housing code violations that are Class 1.	Compliance
Percent of appealed NOIs upheld by the Office of Administrative Hearings.	Quality

Second, the Department of Buildings’ performance plan should contain KPIs related to construction inspections and enforcement, like the KPIs shown in Table CU0-D. These KPIs would provide vital information about compliance with the building code and permitting requirements, as well as the quality of enforcement actions taken by the Department, or third-party or special inspectors, that are not currently available. In fiscal year 2021, for instance, employees with the Department of Consumer and Regulatory Affairs and third-party inspectors conducted over 85,000 construction inspections.<sup>94</sup> We do not know how many of these inspections resulted in any violations, however. Nor do we know whether third-party inspectors, who do most construction inspections in the District, are compliant and reporting the results of inspections accurately. This limits the ability of the public and the Council to do effective oversight of the Department.

**Table CU0-E: Department of Buildings  
 Proposed Key Performance Indicators for Construction Inspections and Enforcement**

Performance Indicator(s)	Indicator Category
Percent of construction inspections (including third-party or special inspections) where a violation was found.	Compliance
Percent of illegal construction complaints where a stop-work order was issued.	Compliance
Percent of stop-work orders upheld by the Department’s administrative reviewer.	Quality
Percent of appealed NOIs upheld by the Office of Administrative Hearings.	Quality
Percent of third-party inspection audits where it was determined that the third-party inspector is non-compliant.	Quality

Finally, DOB’s performance plan should contain KPIs related to the inspection and enforcement of vacant and blighted buildings, as shown in Table CU0-E. These KPIs would provide the Council and the public with critical information on compliance with the law and the effectiveness and quality of DOB’s enforcement. For instance, one of the KPIs would measure the percentage of re-inspections where violations found during the initial inspection were abated by the property owner. If a large percentage of property owners do not abate violations prior to a re-inspection, that suggests something more needs to be done to incentivize abatement.

<sup>93</sup> See *supra* note 3, pg. 77.

<sup>94</sup> Data from the Department of Consumer and Regulatory Affairs Data Dashboard, Inspections. Accessed on March 24, 2022.



**Table CU0-F: Department of Buildings  
Proposed Key Performance Indicators for Vacant and Blighted Properties**

Performance Indicator(s)	Indicator Category
Percent of vacant and blighted buildings that have been registered as vacant and blighted for more than 3 years.	Effectiveness
Percent of appealed vacant and blighted building classifications that were upheld by the Real Property Tax Appeals Commission.	Quality
Percent of vacant and blighted property inspections where a violation was found.	Compliance
Percent of re-inspections where violations found during the initial inspection were abated by the property owner.	Effectiveness
Percent of appealed NOIs upheld by the Office of Administrative Hearings.	Quality

**Interagency Coordination:** The Committee continues to be concerned about the lack of formal agreements or memorandums of understanding (MOUs) between DOB and sister agencies for purposes of data and information sharing.<sup>95</sup> As the Committee noted last year, data and information sharing can greatly enhance DOBs current programs.<sup>96</sup> As such, the Committee recommends that the Executive develop memorandums of agreement or understanding with other Executive agencies such as the Department of Energy and Environment, the Department of Health, the Department of Housing and Community Development, and the Office of Attorney General. These memorandums should address information-sharing processes, coordination of inspections or investigations where necessary, and any other issues deemed necessary. As an example, the Department of Buildings could have a memorandum of understanding with the Department of Health to access non-public information and analysis related to the District of Columbia’s Asthma Control Program. Such information could be used for proactive enforcement, education, or outreach efforts, as research has consistently found an association between housing conditions and childhood asthma.<sup>97</sup>

**Proactive Inspection Program:** At the Committee’s hearing on Bill 24-947 last Council period, the Department testified that the algorithm used to select properties for proactive inspections “predicts violations at an address level with 90% accuracy.”<sup>98</sup> The algorithm does not predict a specific class of violation, however. Rather, it predicts the likelihood of finding *any* violation.<sup>99</sup> Given this, the Committee continues to be concerned that the Department’s Proactive Inspection Program does not adequately focus on substandard housing and bad actors within the housing ecosystem. To confirm this, the Committee conducted an analysis of more than 1,200 proactive inspection NOIs issued by DOB-contracted inspectors in 2022. The results of that

<sup>95</sup> None of the MOUs listed in DOB performance oversight responses are for data or information sharing.

<sup>96</sup> See supra note 3, pgs. 75-76.

<sup>97</sup> See, for instance, Hughes, H. K., Matsui, E. C., Tschudy, M. M., Pollack, C. E., & Keet, C. A. (2017). Pediatric asthma health disparities: race, hardship, housing, and asthma in a national survey. *Academic pediatrics*, 17(2), 127-134; Northridge, J., Ramirez, O. F., Stingone, J. A., & Claudio, L. (2010). The role of housing type and housing quality in urban children with asthma. *Journal of Urban Health*, 87(2), 211-224; and Rosenbaum, E. (2008). Racial/ethnic differences in asthma prevalence: the role of housing and neighborhood environments. *Journal of health and social behavior*, 49(2), 131-145.

<sup>98</sup> Public Hearing on Bill 24-947, the “Proactive Inspection Program Act of 2022,” Testimony of Acting Director Ernest Chrappah, Nov. 3, 2022, pg. 2.

<sup>99</sup> Email Communication with the Department of Buildings, November 15, 2022.

analysis show that only 23% of the NOIs were for Class 1 civil infractions.<sup>100</sup> Of the Class 1 civil infractions, nearly 38% were for failure to install a smoke detector, and another 30.9% were for failure to maintain required opening protective, fire, or smoke stop doors. All other NOIs were for Class 2 civil infractions or lower. These statistics are comparable to data on NOIs from complaint-based inspections. For instance, 18% of NOIs in the complaint-based inspection dataset were Class 1 civil infractions. Additionally, 37.9% of the complaint-based Class 1 civil infractions were for failure to install or maintain a smoke detector.<sup>101</sup> Failure to install or maintain a smoke detector is a serious life safety violation and should be treated as such. However, it is worth noting that research suggests that the failure to install or maintain a smoke detector has a weak correlation with other serious and problematic housing conditions, including lack of heat, pest infestations, broken appliances, or mold.<sup>102</sup> An analysis of NOIs at a property level confirms this. For instance, the property at 808 Kenilworth Avenue NE received 44 Class 1 civil infractions, by far the most of any property in the proactive inspection NOI dataset. Approximately 70% of the Class 1 civil infractions were for failure to install or maintain a smoke detector, and in many of the units, this was the only violation cited. This either suggests that the proactive inspection program is not adequately focused on substandard housing conditions, inspectors are not conducting thorough inspections, or both. Either way, this analysis, along with testimony from legal service providers, public health advocates, and the Office of Tenant Advocate on Bill 24-947, suggests that the proactive inspection program needs to be overhauled. To that end, the Committee is planning to mark up Bill 25-48, the “Proactive Inspection Program Act of 2023,” this year. The Committee will work with the Department to ensure the bill improves the program’s focus and impact.

***Triage Process for Handling Housing Code Complaints:*** The Committee remains concerned about the use of a “triage” method to handle housing code complaints. Per prior SOPs, performing “triage” involves contacting the property owner or manager to see if they have or will resolve the code violation, then confirming this with the complainant.<sup>103</sup> There are two major problems with this approach. First, there may be other code violations in the unit or property that the complainant did not report. Only an inspection would catch these violations. Second, neither the property owner nor the complainant is likely to be experts in the housing code, so they cannot certify whether an abatement to a specific violation satisfies specific code requirements. Given these shortcomings, the Committee recommends doing away with the “triage” process and strongly urges the Executive not to continue using this practice under the Department of Buildings.

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<sup>100</sup> This includes housing code and property maintenance code infractions. To determine the class of each violation, the Committee imported DOB’s Landlord Violation data into Stata and generated code to flag the violation as Class 1, 2, 3, or 4 based on DCMR or IPMC section number. For instance, if the cited violation is listed as 12-G DCMR § 704.2, then the code identified it as a Class 1 civil infraction.

<sup>101</sup> The Committee analyzed a sample of 11,693 NOIs issued via complaint-based inspections in 2022.

<sup>102</sup> See, for instance, Peek-Asa, C., Allareddy, V., Yang, J., Taylor, C., Lundell, J., & Zwerling, C. (2005). When one is not enough: prevalence and characteristics of homes not adequately protected by smoke alarms. *Injury Prevention*, 11(6), 364-368; Liu, Ying, Amy E. Holland, Karin Mack, and Shane Diekman. "Disparities in the prevalence of smoke alarms in US households: conclusions drawn from published case studies." *Journal of safety research* 42, no. 5 (2011): 409-413; and Garg, R., McQueen, A., Wolff, J. M., Skinner, K. E., Kegler, M. C., & Kreuter, M. W. (2022). Low housing quality, unmet social needs, stress and depression among low-income smokers. *Preventive Medicine Reports*, 27, 101767.

<sup>103</sup> DCRA Standard Operating Procedures, Property Maintenance/Housing, Scheduling and Conducting Inspections, April 29, 2019.

***Strategic Enforcement Plan:*** Pursuant to Section 201 of the Department of Buildings Establishment Act of 2020 (D.C. Official Code § 10-562.01), the City Administrator must submit a strategic enforcement plan every three years. The plan must:

1. Establish priorities;
2. Identify available and needed resources while integrating the Department’s enforcement functions; and
3. Identify instances in which the Department can leverage enforcement of sister agencies with which the Department has adjacent, overlapping, or shared authority.

In developing the plan, the law requires the Strategic Enforcement Administrator to rely on existing data and industry best practices to determine enforcement priorities. The law also requires the Strategic Enforcement Administrator to afford “great weight” to available complaint data and community sentiment.

On March 13, 2023, the Mayor submitted the agency’s first strategic enforcement plan for fiscal years 2023 through 2025.<sup>104</sup> The plan is structured around four goals: protection, partnership, communication, and consequences. Under each goal, the plan lists several strategies that the Department will utilize to achieve those goals. Unfortunately, the plan is light on analysis and substance. Take, for example, Strategy 1 (Focus on Abatement of Housing Life-Safety Violations) under Goal 1 (Protection). While the Committee supports the prioritization of life-safety violations in housing code inspections, the plan fails to provide any substantive analysis of how the Department *currently* prioritizes life-safety violations. The plan also does not give adequate detail on the resources or activities necessary to achieve the overarching goal of protecting tenants. Instead, the plan states that the Department will “continue” its focus on life-safety violations by “recruiting, training, and retaining additional highly qualified housing inspectors” and “maintaining rigorous agency follow-up on life-safety violations before adjudication.”

Another example of this can be found under Goal II (Partnership), Strategy 6 (Work with Adjudicators to Streamline Outcomes). When DOB issues an infraction for a housing code violation, for instance, the respondent has 15 calendar days to admit the infraction and pay the fine, deny the infraction, or admit the infraction with an explanation. If a respondent does not reply, chooses to deny the infraction, or admits the infraction with an explanation, the infraction is adjudicated via the Office of Administrative Hearings. Given the importance of OAH in the civil infraction process, the report correctly identifies the need to address adjudication issues. The plan does not present any meaningful analysis on this issue, however, instead opting for ambiguous statements that the Department will work with stakeholders on “revolutionizing end-to-end prosecution of NOIs before the OAH to reduce hearing workloads and decrease time to resolution.”<sup>105</sup> While this certainly sounds good, the Committee is left with numerous questions that are not answered by the plan. For instance, what is the current time to resolution for

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<sup>104</sup> RC25-26, “Department of Buildings Strategic Enforcement Plan: Fiscal Year (FY) 23–25.”

<sup>105</sup> *Id.*, pg. 8.

infractions? What are the barriers to shortening the time to resolution? And which of those barriers will the Department prioritize?

It is also not clear from reading the plan if the Department meaningfully engaged with the public in developing the plan. The plan lists only one public event in December 2022 at which input was solicited and provides no details on the themes or ideas that were generated through this event.

The Committee plans to hold a hearing on the strategic enforcement plan in the coming months, but given the lack of analysis or detail in the current plan, the Committee recommends that the Department either submit a supplement to the plan that provides more detail for each strategy or go back to the drawing board and draft a new plan that includes more analysis and detailed activities or resources that will be used to implement strategies identified in the report.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Department of Buildings with the following changes:

1. Restoring **6.0 FTEs at \$554,929.90 (salaries plus fringe)** in the Rental Housing Inspections Division. The restored FTEs are a Housing Code Specialist position, a Housing Code Inspector I position, a Housing Code Inspector II position, and three Housing Code Inspector III positions.

##### Committee's Recommended Fiscal Year 2024 Capital Budget

The Committee recommends adoption of the Fiscal Year 2024 capital improvement plan budget for the Department of Buildings as proposed by the Mayor.

##### Policy Recommendations

1. Adopt recommended key performance indicators, or substantially similar indicators, to better assess the effectiveness and quality of DOB enforcement on housing code, illegal construction, and vacant blighted property issues.
2. Establish memorandums of understanding or agreement with sister agencies where such agreements do not already exist. Agreements should address coordination of inspections and investigations where feasible, information and data sharing, and any other issues necessary for effective coordination.
3. In collaboration with the Committee, work on Bill 25-48, the "Proactive Inspection Program Act of 2023," to overhaul the proactive inspection program so that it better targets serious housing code and property maintenance violations.

4. Eliminate the use of the “triage” process to handle housing code complaints from tenants. All complaints should result in an inspection, and where violations are found and abated, a follow-up inspection should be conducted to ensure that any abatement was done to code.
5. Provide greater detail on the issues and strategies identified in the Strategic Enforcement Plan through resubmission of the plan or through supplementary materials.

## DISTRICT OF COLUMBIA RETIREMENT BOARD

### I. AGENCY OVERVIEW

The mission of the District of Columbia Retirement Board (DCRB) is to invest prudently the assets of the police officers, firefighters, and teachers of the District of Columbia, while providing those employees with retirement services.

The DCRB is an independent agency that has exclusive authority and discretion to manage and control the District’s retirement funds for teachers, police officers, and firefighters (hereinafter referred to as the “Fund”) pursuant to D.C. Official Code § 1-711(a). In 2005, the responsibility of administering the teachers’, police officers’, and firefighters’ retirement programs was transferred to the DCRB from the Office of Pay and Retirement Services, a part of the Office of the Chief Financial Officer. The federal government assumed the District’s unfunded liability for the retirement plans of teachers, police officers, firefighters, and judges under provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997. Under this law, the federal government pays the retirement benefits and death benefits, and a share of disability payments, for members for years of service earned up to the freeze date of June 30, 1997. The District of Columbia government is responsible for all subsequently earned benefits for the members of the retirement plans.

The DCRB Board of Trustees is comprised of 12 voting trustees: three appointed by the Mayor, three appointed by the Council, and six elected by employee participation groups. The District’s Chief Financial Officer, or his designee, serves as a non-voting, ex-officio member of the Board.

**Table DY-A: District of Columbia Retirement Board  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	44,099	17,620	42,779	39,691	39,691	0
<b>Operating FTEs</b>	75.0	75.0	89.0	94.0	94.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>106</sup>

The Fiscal Year 2024 budget proposal for the District of Columbia Retirement Board is \$39,691, a decrease of \$3,088, or 7.2 percent, from the current fiscal year. The proposed budget supports 94.0 FTEs, an increase of 5.0, or 5.6 percent, from the current fiscal year.

**Enterprise and Other Funds:** The funding for this account is comprised entirely of enterprise funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Annually Determined Employer Contributions:** Each year, DCRB must calculate and certify the annually determined employer contribution (ADEC) – previously known as the annual required contribution (ARC) – to both the Teachers’ Retirement System (TRS) and the Police Officers’ and Fire Fighters’ Retirement System (POFFRS).<sup>107</sup> In 2012, the Board adopted a closed amortization period for the TRS of 20 years to fully fund the accrued unfunded liability. Both TRS and POFFRS are currently fully funded.

The District’s commitment to fully funding the two pension funds are the reason for the health of the pension system. This contributes to the District’s excellent bond ratings as compared to most other jurisdictions. District law requires the Mayor and Council to include the full

<sup>106</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

<sup>107</sup> D.C. OFFICIAL CODE § 1-907.03(a).

actuarially determined amount necessary to fund the pensions in the annual budget.<sup>108</sup> While not required under the law, DCRB does use more conservative assumptions than most other plans across the country. The District uses a price inflation assumption of 3.5%, a payroll growth assumption of 4.25%, and a rate of return assumption of 6.5%.<sup>109</sup> This is in contrast to public pension systems nationwide that use an average inflation rate assumption of 3.2% and a rate of return assumption of 7.5%.<sup>110</sup>

Because the plans are fully funded, both the TRS and the POFFRS ADEC for FY 2023 have been reduced substantially by almost \$60 million combined from the FY22 contribution. According to DCRB, this is a combination of strong investment returns, revised demographic experience, a resetting of assumptions due to a recent experience study, lower cost of living adjustments, and lower payroll estimates. The Committee recommends the Board continue to work closely with its actuary to ensure that assumptions are valid going forward.

***Agency Management:*** The Committee identified a number of issues related to agency management in previous budget cycles, including concern related to turnover in the Executive Director position and a variety of senior-level vacancies.

The Committee is pleased that the Board has acted to remediate these, and all of the other deficiencies identified in the Annual Comprehensive Financial Report (ACFR). Further, the Committee is hopeful that the 5 new FTEs that the Board plans to hire will promote increased efficiency in two critical divisions: Benefits and Operations, with the Committee taking particular interest in the effect of adding the two proposed member services representatives and the quality analyst in the Benefits division on overall service delivery.

A well-functioning retirement program is not only vital to the annuitants it serves, but also to the overall financial health of the District that relies on well managed and well-funded retirement funds to maintain the excellent overall credit rating for the District that allow for low borrowing costs.

#### IV. COMMITTEE RECOMMENDATIONS

##### *Committee's Recommended Fiscal Year 2024 Operating Budget*

The Committee recommends adoption the Fiscal Year 2024 budget for the District of Columbia Retirement Board as proposed by the Mayor.

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<sup>108</sup> D.C. OFFICIAL CODE § 1-907.03(b).

<sup>109</sup> REPORT ON THE ACTUARIAL VALUATIONS OF THE TEACHERS' RETIREMENT PLAN AND POLICE OFFICERS AND FIREFIGHTERS' RETIREMENT PLAN p 30 (December 17, 2018).

<sup>110</sup> See NATIONAL CONFERENCE ON PUBLIC EMPLOYEE RETIREMENT SYSTEMS AND COBALT COMMUNITY RESEARCH, 2015 NCPERS PUBLIC RETIREMENT SYSTEMS STUDY (November 2015).

Policy Recommendations

1. The Committee recommends that the Board continue to be fully transparent in supporting documentation and financial reports so that annuitants and the public can clearly see what fees are being charged.

**POLICE OFFICERS’ AND FIRE FIGHTERS’ RETIREMENT SYSTEM**

**I. AGENCY OVERVIEW**

The mission of the Police Officers’ and Fire Fighters’ Retirement System (POFFRS) is to provide the District’s required contribution as the employer to these two pension funds, which are administered by the District of Columbia Retirement Board (DCRB).

Under provisions of the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 (“the Act”), the federal government assumed the District’s unfunded pension liability for the retirement plans for teachers, police officers, fire fighters and judges. Pursuant to the Act, the federal government will pay the retirement and death benefits, and a defined share of disability benefits, for employees for service accrued prior to July 1, 1997. The cost for benefits earned after June 30, 1997 is the responsibility of the government of the District of Columbia. This proposed FY 2024 budget reflects the required annual District contribution. Pursuant to D.C. Official Code § 1-907.02(a), the District is required to budget the pension contribution at an amount equal to, or greater than, the amount certified by the DCRB on the basis of a prescribed actuarial study and formula calculation that is set forth in § 1-907.03. On January 20, 2023, DCRB transmitted the certified contribution for inclusion in the Mayor’s FY 2024 proposed budget, and it is reflected in this chapter.

**Table FD-A: Police Officers’ and Fire Fighters’ Retirement System  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	109,933	108,965	77,508	79,883	79,883	0
<b>Operating FTEs</b>	0	0	0	0	0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*



## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>111</sup>

The Fiscal Year 2024 budget proposal for the Police Officer’s and Fire Fighters’ Retirement System is \$79,883, a increase of \$2,375, or 3.1 percent, from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The funding for this account is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Fund Contribution Levels:** Funding for the POFFRS is set by law as a calculated annual required contribution, also known as an annually determined employer contribution (ADEC). For fiscal year 2024, the ADEC for POFFRS is \$79,883.

**Funding Ratio and Unfunded Liability:** According to the most recent actuarial valuation, POFFRS is currently 114.66 percent funded on an actuarial basis – an decrease of approximately 3 percentage points under the previous year’s level.

**Table FD-A: Police and Firefighters’ System;  
Plan Summary**

Funding Measures – Police and Fire			
Police and Fire	10/1/2021	10/1/2022	Percent Change
1. Actuarial Accrued Liability			
a. Active	\$ 3,075,255	\$ 2,932,991	(4.63%)
b. Retirees and Beneficiaries	3,021,846	3,608,693	19.42%
c. Inactive with Deferred Benefits	84,513	97,440	15.30%
<b>d. Total</b>	<b>\$ 6,181,614</b>	<b>\$ 6,639,124</b>	<b>7.40%</b>
2. Actuarial Value of Assets	\$ 7,290,173	\$ 7,612,268	4.42%
3. Plan Funded Ratio (2. / 1.d.)	117.93%	114.66%	
4. Market Value of Assets	\$ 7,963,277	\$ 6,901,545	(13.33%)
5. Funded Ratio based on Market Value of Assets (4. / 1.d.)	128.82%	103.95%	

(\$ in Thousands)

<sup>111</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Police Officer's and Fire Fighters' Retirement System as proposed by the Mayor with the following changes:

1. Increase of **\$307,000** beginning in fiscal year 2025, and the recurring thereafter to fund the presumptive disability legislation retirement costs. These funds were transferred in from the Committee on the Judiciary and Public Safety.

## TEACHERS' RETIREMENT SYSTEM

#### I. AGENCY OVERVIEW

The Teachers' Retirement System (TRS) provides the District's required contribution to this retirement plan, which is administered by the District of Columbia Retirement Board (DCRB).

Under provisions of the Police Officers, Firefighters, and Teachers Retirement Benefit Replacement Plan Act of 1998 ("the Act"), the federal government assumed the District's unfunded pension liability for the retirement plans for teachers, police officers, firefighters and judges. Pursuant to the Act, the federal government will pay the retirement and death benefits, and a defined share of disability benefits, for employees for service accrued prior to July 1, 1997. The costs for benefits earned after June 30, 1997 are the responsibility of the District government. The Mayor's proposed budget reflects the required annual District contribution to fund these earned benefits. Pursuant to D.C. Official Code § 1-907.02(a), the District is required to budget the pension contribution at an amount equal to, or greater than, the amount certified by the DCRB on the basis of a prescribed actuarial study and formula calculation that is set forth in § 1-907.03. On January 20, 2023, the DCRB transmitted the certified contribution for inclusion in the Mayor's FY 2024 proposed budget as reflected in this chapter.

**Table BD-A: Office of Planning  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	70,135	74,635	47,835	50,224	50,224	0
<b>Operating FTEs</b>	0	0	0	0	0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>112</sup>

The Fiscal Year 2024 budget proposal for the Teachers’ Retirement System is \$50,224, a increase of \$2,389, or 5.0 percent, from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The funding for this account is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Fund Contribution Levels:** Funding for the Teachers’ Retirement System (TRS) is set by law as a calculated annual required contribution, also known as an annually determined employer contribution. For fiscal year 2024, the calculated amount for TRS is \$50,224.

**Funding Ratio and Unfunded Liability:** According to the most recent actuarial valuation, TRS is currently 98.84 percent funded on an actuarial basis – a decrease of approximately 1 percentage point under the previous year’s level.

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<sup>112</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

**Table FD-B: Teachers' Retirement System;  
Plan Summary**

Funding Measures – Teachers				
Teachers	10/1/2021	10/1/2022	Percent Change	
1. Actuarial Accrued Liability				
a. Active	\$ 1,362,322	\$ 1,396,967	2.54%	
b. Retirees and Beneficiaries	1,132,341	1,235,162	9.08%	
c. Inactive with Deferred Benefits	203,955	239,440	17.40%	
<b>d. Total</b>	<b>\$ 2,698,618</b>	<b>\$ 2,871,570</b>	<b>6.41%</b>	
2. Actuarial Value of Assets	\$ 2,684,368	\$ 2,838,193	5.73%	
3. Plan Funded Ratio (2. / 1.d.)	99.47%	98.84%		
4. Market Value of Assets	\$ 2,934,307	\$ 2,573,334	(12.30%)	
5. Funded Ratio based on Market Value of Assets (4. / 1.d.)	108.73%	89.61%		

(\$ in Thousands)

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Teachers' Retirement System as proposed by the Mayor.

## OTHER POST-EMPLOYMENT BENEFITS ADMINISTRATION

#### I. AGENCY OVERVIEW

The Other Post-Employment Benefits Administration (OPEBA) agency is used to account for expenditures related to the administration of the Other Post-Employment Benefits Trust Fund.

The government of the District of Columbia established the District's Annuitants' Health and Life Insurance Employer Contribution Trust Fund on October 1, 1999 under the Annuitants' Health and Life Insurance Employer Contribution Amendment Act of 1999 (D.C. Official Code 1-621.09). Health and life insurance benefits for retirees are known as "Other Post-Employment Benefits" (OPEB), also referred to as the OPEB Plan. The OPEB Plan includes a trust fund that receives the District's annual contributions toward health and life insurance benefits for District employees who have retired, as well as premium payments from retirees. These contributions and premiums, along with investment earnings, are used to pay future benefits on behalf of qualified participants. The OPEB Plan is jointly administered by the District's Office of Finance and

Treasury, within the Office of the Chief Financial Officer (OCFO), and the District of Columbia Department of Human Resources (DCHR).

**Table UB-A: Other Post-Employment Benefits Administration  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	9,088	10,416	11,605	11,605	8,008	(3,597)
<b>Operating FTEs</b>	0.0	0.0	0.0	0.0	0.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>113</sup>

The Fiscal Year 2024 budget proposal for the Other Post-Employment Benefits Administration is \$11,605 representing no change from the current fiscal year. The proposed budget supports no FTEs.

**Enterprise Funds:** The funding for this account is comprised entirely of enterprise funds.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

**Administration of the OPEB:** As part of the Fiscal Year 2019 budget, the Council created a new agency to house the administrative costs of administering the OPEB fund. This new structure is similar to the structure of the District of Columbia Retirement Board, although the Retirement Board administers benefits in addition to investments.

Unlike DCRB, OPEBA does not carry any FTE positions. Instead, it carries contractual services funds that are paid to the Office of the Chief Financial Officer under a Memorandum of Understanding for those OCFO staff that are supporting OPEBA. In addition, OPEBA pays for all investment management fees related to the OPEB fund. The budget for investment management fees is \$7,415,361 million – these fees are negotiated with each investment manager and vary depending on the asset class being managed. The OCFO has requested that the

<sup>113</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

Committee correct the appropriated amount for OPEB-A to align with actual costs. For fiscal year 2024, the downward adjustment is tied primarily to reflect lower investment manager fee expenses.

**Enterprise Fund:** OPEB-A is an enterprise fund because the budgeted dollars are paid out of the Other-Post Employment Benefits Fund rather than local dollars. Because of this, the Chief Financial Officer does not provide fund details for the agency’s budget. The budget of OPEB-A supports personal and non-personal costs for the Office of the Chief Financial Officer. The breakdown in funding was provided by the Deputy Treasurer at the April 6, 2023 oversight hearing, shown below.

**Table UB-B: Other Post-Employment Benefits Administration;  
Personal vs. Non-Personal Services Funding Equivalent**

<i>(\$Dollars in thousands)</i>	Actual FY 2022	Budget FY 2023	Proposed Budget FY 2024
Investment Management Fees	\$ 6,538	\$ 6,963	\$ 7,415
Custody Fee	\$ 261	\$ 288	\$ 288
Accounting Compilation Services	\$ 97	\$ 123	\$ 126
Actuary Services	\$ 38	\$ 62	\$ 42
Bloomberg Subscription	\$ 102	\$ 98	\$ 98
Bill Payment Services (Wage Works)	\$ 40	\$ 40	\$ 40
Consulting Services	\$ 55	N/A	N/A
<b>TOTAL</b>	<b>\$ 7,131</b>	<b>\$ 7,573</b>	<b>\$ 8,008</b>

**Table UB-C: Other Post-Employment Benefits Administration;  
Investment Management Fees**

	Actual 2018	Actual 2019	Actual 2020	Actual 2021	Actual 2022	Budgeted 2023	Proposed Budget 2024
Total Investment Management Fees	\$ 6,521,226	\$ 6,324,425	\$ 6,136,516	\$ 7,208,303	\$ 6,537,822	\$ 6,962,780	\$ 7,415,361
Fiscal Year-end Asset Value	\$ 1,462,029,859	\$ 1,509,102,272	\$ 1,640,681,507	\$ 2,025,061,908	\$ 1,650,287,153	\$ 1,757,555,818	\$ 1,871,796,946
Simple Average Fee%	0.45%	0.42%	0.37%	0.36%	0.40%	0.40%	0.40%

**Calculation of the Annually Determined Employer Contribution (ADEC):** The results of a study examining funding requirements for OPEB that began in 2015 found that the District had been significantly over-funding the OPEB. The study found that actual retiree participation rates are lower than the initial assumptions.<sup>114</sup> As a result, OCFO worked with the DC Department of Human Resources to model a more appropriate participation rate which was validated by the Advisory Committee. The change in assumptions also now closely aligns the OPEB assumptions

<sup>114</sup> *Other Post-Employment Benefits: Agency Performance Oversight Hearing before the Council of the District of Columbia Committee of the Whole* (Mar. 27, 2018) (oral testimony of Jeffrey Barnette, Deputy Chief Financial Officer and Treasurer, Office of the Chief Financial Officer).

to those of the DC Retirement Board. The ADEC also assumes a 20-year closed amortization period and a target return rate of 6.5%. As a result, the ADEC payment for FY 2024 is \$72.7 million.

**Funding Ratio and Unfunded Liability:** OPEB is currently 90.5% funded. The industry best practice for a healthy funding level is at least 80 percent.

**Table UBC: Other Post-Employment Benefits Administration;  
Summary of Valuation Results**

	September 30, 2022	September 30, 2021
Total OPEB Liability	\$1,823,480,465	\$1,711,707,372
Fund Fiduciary Net Position	1,650,287,153	2,025,061,908
Net OPEB Liability (Asset)	<u>\$ 173,193,312</u>	<u>\$ (313,354,536)</u>
Fund Fiduciary Net Position as a Percentage of the Total OPEB Liability	90.50%	118.31%

Source: Other Post-Employment Benefits Fund 2022 Annual Report

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee adoption of the Fiscal Year 2024 budget for the Other Post-Employment Benefits Administration as proposed by the Mayor:

1. Reduction of **\$3,597,000** in enterprise funds to reflect an error in the proposed budget. This has no impact on the general fund budget because OPEB-A is funded out of the OPEB fund.

##### Policy Recommendations

1. The Committee recommends that OPEBA continue to closely monitor take-up rates for the plan to ensure plan assets reflect actual benefits.
2. The Committee recommends that OPEBA aggressively negotiate investment management fees to limit spending out of the OPEB fund.
3. The Committee Recommends that the OPEBA enterprise agency budget chapter include additional details as shown above, as is practice for other enterprise agencies such as the DC Retirement Board.

## DISTRICT RETIREE HEALTH CONTRIBUTION (OPEB)

### I. AGENCY OVERVIEW

The mission of the District Retiree Health Contribution is to contribute to the funding of the District’s other post-employment benefits (OPEB) liabilities.

District government retirees who were first employed after September 30, 1987 (“post-87”) may obtain health insurance (pursuant to D.C. Code 1-622) and life insurance (pursuant to D.C. Code 1-623) from the District. The federal government is responsible for funding OPEB costs for District government retirees who were first employed prior to October 1, 1987 (“pre-87”).

In 1999, the Council of the District of Columbia established the Annuitants’ Health and Life Insurance Employer Contribution Trust Fund (“Trust Fund”) to pay the District’s portion of post-87 retirees’ health and life insurance premiums. Through FY 2007, the District contributed to the Trust Fund from available funds. Beginning in FY 2008, the Governmental Accounting Standards Board requires state and local governments, including the District, to recognize any OPEB liability in their financial statements. The District is budgeting an actuarially determined annual OPEB contribution to gradually reduce its unfunded accrued liability. The proposed budget of the District Retiree Health Contribution represents the District’s FY 2018 contribution to the funding of its OPEB liabilities.

The District passed permanent legislation effective in FY 2011 that changed the calculation of its contribution to the cost of health, vision, and dental insurance premiums for retirees and their dependents to a scale based on the amount of creditable service of the retiree. The District’s maximum contribution for the cost of healthcare for retirees is 75.0 percent, the same as the contribution for all current employees.

**Table RH-A: Retiree Health Contribution;  
 Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	53,600	53,000	41,500	72,700	72,700	0
<b>Operating FTEs</b>	0.0	0.0	0.0	0.0	0.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*



## II. MAYOR'S PROPOSED BUDGET

### Mayor's Proposed Fiscal Year 2024 Operating Budget<sup>115</sup>

The Fiscal Year 2024 budget proposal for the Retiree Health Contribution is \$72,700, an increase of \$31,200, or 75.2 percent, from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The funding for this account is comprised entirely of local funds.

## III. COMMITTEE COMMENTARY

For Committee Commentary related to the University of the District of Columbia, please refer to the commentary on the Other Post-Employment Benefits Administration. The Retiree Health Contribution funds are actuarially determined to fund OPEB benefit obligations.

## IV. COMMITTEE RECOMMENDATIONS

### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Retiree Health Contribution as proposed by the Mayor.

# PAY-AS-YOU-GO CAPITAL FUNDS

## I. AGENCY OVERVIEW

The mission of the Pay-As-You-Go Capital Fund is to provide an additional funding source and offset long-term bond borrowing costs for capital projects. The Mayor and Council can request the use of Pay-As-You-Go (Paygo) Capital funds following the determination and certification by the Chief Financial Officer that the funds are available and necessary for the designated purpose. Operating funds may be transferred to the capital fund through a Pay-As-You-Go Capital funds budget transfer to support the Capital Improvements Plan (CIP).

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<sup>115</sup> The Mayor's proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

**Table PA-A: Pay-As-You-Go Capital Fund;  
 Total Operating Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	298,930	434,610	502,926	409,107	359,995	(49,111)
<b>Operating FTEs</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>116</sup>

The Mayor’s fiscal year 2024 budget proposal for the Pay-As-You-Go Capital Fund is \$409,107, a decrease of \$93,819, or 18.7 percent from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The Mayor’s proposed budget is \$172,002, a decrease of 31,027, or 15.3 percent from the current fiscal year. The proposed budget supports no FTEs.

**Dedicated Taxes:** The Mayor’s proposed budget is \$178,500, a decrease representing no change from the current fiscal year. The proposed budget supports no FTEs.

**Special Purpose:** The Mayor’s proposed budget is \$58,605, a decrease of \$62,792, or 51.7 percent from the current fiscal year. The proposed budget supports no FTEs.

## III. COMMITTEE COMMENTARY

The Committee has no comments in relation to the proposed fiscal year 2024 budget and agency performance over the last year. However, the Committee reiterates its support for increasing the government’s use of Paygo for capital projects to reduce the reliance on borrowed capital funds that increase debt service obligations.

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<sup>116</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for the Pay-as-you-go Capital Fund as proposed by the Mayor with the following changes.

1. Transfer out of **\$49,111,289 in fiscal year 2024** local funds to the Committee on Transportation and the Environment.
2. Transfer out of **\$36,840,324 in fiscal year 2025** local funds to the Committee on Transportation.
3. Transfer out of **\$39,113,384 in fiscal year 2026** in local funds to the Committee on Transportation and the Environment (\$29,113,384) and Committee on Business and Economic Development (\$10,000,000)
4. Transfer out of **\$11,000,000 in fiscal year 2027** in local funds to the Committee on Business and Economic Development.

## NON-DEPARTMENTAL

#### I. AGENCY OVERVIEW

The mission of Non-Departmental is to budget for anticipated costs that were not allocated to specific agencies during the development of the proposed budget to ensure that specific use requirements are met. Use of a Non-Departmental account is a common practice to include specific costs in the budget, while providing the flexibility to project and allocate these costs. Use of Non-Departmental improves budget formulation by ensuring that certain use criteria are met by agencies before the funds are released to those agencies.

**Table DO-A: Non-Departmental  
Total Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	0	0	16,125	9,226	7,491	(1,735)
<b>Operating FTEs</b>	0.0	0.0	0.0	0.0	0.0	0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR’S PROPOSED BUDGET

### Mayor’s Proposed Fiscal Year 2024 Operating Budget<sup>117</sup>

The Fiscal Year 2024 budget proposal for Non-Departmental is \$9,226, a decrease of \$5,649, or 38.0 percent, from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The Mayor’s proposed budget is \$4,250, a decrease of \$7,554, or 64.0 percent, from the current fiscal year. The proposed budget supports no FTEs.

**Special Purpose Revenue:** The Mayor’s proposed budget is \$4,976, an increase of \$1,905, or 62.0 percent, from the current fiscal year. The proposed budget supports no FTEs.

## III. COMMITTEE COMMENTARY

The local funds budget for Non-Department includes \$1 million in recurring funds for the University of the District of Columbia Fundraising Matching Program, and \$250,000 in recurring funds for the Office of Risk Management’s Return to Work Program. There is also \$1 million set aside for a one-time grant to the Cherry Blossom Festival and \$2 million set aside in one-time funds to support the Automated Traffic Enforcement Fund. In addition, Non-Departmental sets aside special purpose revenue budget authority for the full amount of District certified revenue representing otherwise unbudgeted revenues for various agencies.

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<sup>117</sup> The Mayor’s proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

#### IV. COMMITTEE RECOMMENDATIONS

##### Committee’s Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for Non-Departmental as proposed by the Mayor with the following changes:

1. Reduction of **\$2,977,003** in Special Purpose Revenue Funds (one time) to allocate additional certified revenues.
2. Increase of **\$1,242,180** in Local Funds for FY 2024 and **\$6,257,103** over the four-year financial plan (recurring). These funds were transferred in from the Committee on Housing to be set aside in Non-Departmental for estimated funding to implement Bill 25-5, the Pathways to Behavior Health Degrees Amendment Act of 2023.

## DEBT SERVICE

#### I. AGENCY OVERVIEW

The mission of Debt Service administration is to finance the District's capital and cash flow needs, minimize the costs associated with such financing, exercise fiscally responsible debt management practices, and make timely payments of all debt service. Debt Service administration is comprised of the following sub-entities: Repayment of Loans and Interest (DS0), Repayment of Revenue Bonds (DT0), Schools Modernization Fund (SM0), Repayment of Interest on Short-Term Borrowings (ZA0), Debt Service - Issuance Costs (ZB0), and Commercial Paper Program (ZC0).

**Table DS-A: Debt Service;  
Total Operating Funds Budget FY 2021-2024**

	Actual 2021	Actual 2022	Approved 2023	Mayor 2024	Committee 2024	Change
<b>Operating Funds</b>	811,865	845,147	1,047,718	1,148,002	1,148,002	0
<b>Operating FTEs</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>Capital Funds</b>	0	0	0	0	0	0

*Source: Budget Books (dollars in thousands)*

## II. MAYOR'S PROPOSED BUDGET

### Mayor's Proposed Fiscal Year 2024 Operating Budget<sup>118</sup>

The Mayor's fiscal year 2024 budget proposal for Debt Service is \$1,418,002, an increase of \$104,911, or 9.6 percent from the current fiscal year. The proposed budget supports no FTEs.

**Local Funds:** The Mayor's proposed budget is \$1,112,0077, a decrease of \$31,027, or 7.4 percent from the current fiscal year. The proposed budget supports no FTEs.

**Dedicated Taxes:** The Mayor's proposed budget is \$2,263, a decrease of \$1,512, or 66.8 percent from the current fiscal year. The proposed budget supports no FTEs.

**Special Purpose:** The Mayor's proposed budget is \$8,749, an increase of \$337, or 4.0 percent from the current fiscal year. The proposed budget supports no FTEs.

**Federal Grant Funds:** The Mayor's proposed budget is \$15,013, a decrease of \$3,452, or 18.7 percent from the current fiscal year. The proposed budget supports no FTEs.

## III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2024 budget and agency performance over the last year.

The Mayor's proposed fiscal year 2024 budget includes a, increase in debt service payments – almost a \$100 million increase over the last fiscal year, nearly the proposed budget for the Department of Health. While expenditures to service debt are necessary to fund vital government projects, the increase cost of borrowing reflected in our budget from year to year is an issue of concern. Some level of debt is essential to operations, meaning that servicing that debt, too, will be necessary. To be sure, as a city, county, and state, the District's level of debt service is not easily comparable to other jurisdictions and, as a consequence, may be higher. However, the government must closely monitor debt service expenditures.

## IV. COMMITTEE RECOMMENDATIONS

### Committee's Recommended Fiscal Year 2024 Operating Budget

The Committee recommends adoption of the Fiscal Year 2024 budget for Debt Service as proposed by the Mayor.

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<sup>118</sup> The Mayor's proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands. Percent change is based on whole dollars.

## FISCAL YEAR 2024 BUDGET SUPPORT ACT LANGUAGE RECOMMENDATIONS

The Committee of the Whole modifies, strikes, or otherwise provides comments on the following subtitles of Bill 25-202, the “Fiscal Year 2024 Budget Support Act of 2023”. Some subtitles referred to the Committee of the Whole for comment are not included because the Committee had no comment, or because the subtitle was related to Councilwide budget balancing.

### **Title III. Public Safety and Justice**

Subtitle B. Transfer of Safe Passage Program

### **Title IV. Public Education**

Subtitle B. Education to Employment Data System

Subtitle D. Child Care Subsidies for Children with Disabilities

Subtitle E. State Board of Education Compensation

Subtitle G. Public Charter School Teacher Compensation Grants

Subtitle H. Children and Youth Marijuana Education and Prevention Grants

The Committee also recommends the following additional subtitles:

Subtitle COW-A. Commission on the Arts and Humanities Allotment Adjustment

Subtitle COW-B. Targeted Historic Preservation Assistance

Subtitle COW-C. University of the District of Columbia Matching Funds

Subtitle COW-D. Public School Health Food Curriculum Grants

Subtitle COW-E. Special Needs Public Charter School Grant

Subtitle COW-F. Out of School Time Grantmaking Authority

The legislative text of the subtitles follows the individual subtitle analyses.

## **TITLE III-B SAFE PASSAGE**

### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to transfer oversight and management of the Safe Passage Program from the Deputy Mayor of Education (DME) to the Deputy Mayor for Public Safety and Justice (DMPSJ). The Safe Passage Program aims to ensure that students can travel safely to and

from school without threats of violence, intimidation, or other public safety concerns. The DME currently manages the program, gathers relevant data, supports the development of the Safe Streets for Students Master Plan, manages the School Safety and Safe Passage Working Group, and issues grants for the Safe Blocks Program. The DME coordinates with various agencies across the District on these efforts and annually reports to the Council on its safe passage efforts and grant programs. This subtitle maintains DME's involvement in planning and working group efforts but establishes DMPSJ as the lead entity for all efforts. It would amend The School Proximity Traffic Calming Act of 2000.

## II. COMMITTEE REASONING

The Committee understands the DME's reasoning that the Safe Passage grantees are familiar with working with DMPSJ and that the granting portion of the work fits within DMPSJ's purview. Nonetheless, the Committee strongly urges the DME to continue its coordination and communication efforts.

## III. SECTION BY SECTION ANALYSIS

Section 3011. Short title.

Section 3012. Amends The School Proximity Traffic Calming Act of 2000 to replace mention of "DME" with "DMPSJ" in relevant cases.

## IV. LEGISLATIVE RECOMMENDATION

See attached.

# TITLE IV-E EDUCATION TO EMPLOYMENT DATA SYSTEM ACT OF 2023

## I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to establish a centralized data system called the P20W system in the Office of the Deputy Mayor for Education (DME) that will be used to collect, analyze, and publicize data on how well District education agencies and programs are serving District residents throughout their lifetimes. All District government agencies will cooperate with DME in the implementation of the centralized data system by sharing education data and workforce data. The P20W system will help answer critical questions about the impact and efficacy of different



education and workforce programs on students and adult learners' higher education and workforce outcomes. This will amend the Department of Education Establishment Act of 2007.

## **II. COMMITTEE REASONING**

The Committee recognizes the long-term value of the P20W system in focusing the efforts of the education and workforce training District agencies on interventions that work. By answering key questions about the outcomes, successes, and impacts of our education and workforce programs, the system will help direct District resources to programs that best ensure our young people have a choice-filled life.

## **III. SECTION BY SECTION ANALYSIS**

Section 4011. Short title.

Section 4012. Gives the DME the authority to establish the P20W system, collect relevant data from other DC agencies, analyze the data, and publish reports.

Section 4013. Amends District of Columbia Unemployment Compensation Act, approved 1935, to allow the DME access to certain workforce data.

## **IV. LEGISLATIVE RECOMMENDATION**

See attached

# **TITLE III-C CHILDCARE SUBSIDIES FOR CHILDREN WITH DISABILITIES**

## **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to authorize the Office of State Superintendent of Education (OSSE) to make grants to child development facilities to support the costs of maintaining dedicated slots for infants, toddlers, and school-aged children with disabilities. The subtitle also establishes a referral program to place children with disabilities in dedicated grant-funded slots.

## **II. COMMITTEE REASONING**

The Committee supports the aim of targeted grant funding to students with disabilities.

## **III. SECTION BY SECTION ANALYSIS**

Section 2031. Short title.

Section 2032. Amends the Day Care Policy Act of 1979 to authorize OSSE to make grants to child development facilities to support the costs of maintaining dedicated slots for young students with disabilities and establish a referral program to place children with disabilities in dedicated grant-funded slots.

Section 2033. Amends the State Education Office Establishment Act of 2000 to authorize OSSE to make grants to child development facilities to support the costs of maintaining dedicated slots for young students with disabilities and implement a referral program to place children with disabilities in dedicated grant-funded slots.

## **IV. LEGISLATIVE RECOMMENDATION**

See attached.

# **TITLE V-E STATE BOARD OF EDUCATION COMPENSATION**

## **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to increase the salary of each member of the State Board of Education (SBOE) by \$5,000. Going forward, each member will receive \$20,000 annually and the president will receive \$21,000 annually. The salary will be adjusted each year to reflect increases in the Consumer Price Index for all Urban Consumers (all items Washington D.C. Standard Metropolitan Statistical Area average). The District of Columbia Government Comprehensive Merit Personnel Act of 1978 will be amended to reflect this change.

## **II. COMMITTEE REASONING**

The Committee agrees with the Mayor about the value that the State Board of Education provides to the District, and that their compensation should reflect the changing economic

conditions. By linking the salary to inflation, it will ensure that their pay remains appropriate in the future, and it eliminates the need for future legislative action.

### **III. SECTION BY SECTION ANALYSIS**

Section 4041. Short title.

Section 4042. Amends D.C. Official Code § 1-611.10 to create the salary adjustment and subsequent adjustments pegged to the Consumer Price Index.

Section 4043. Applies the subtitle as of January 1, 2024.

### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

## **TITLE III-G PUBLIC CHARTER SCHOOL TEACHER COMPENSATION GRANTS**

### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to authorize the Office of the State Superintendent (OSSE) to issue grants to public charter schools for the provision of compensation payments to public charter school teachers. The District settled a historic contract with the Washington Teachers Union for teachers within DCPS, and the mayor proposed to provide funds in addition to the UPSFF for charter school teachers to receive compensation increases. This funding is currently in the Workforce Investment Account budget and, through this subtitle, will be granted out through OSSE to charter LEAs to provide teachers with a 12.5% go-forward pay increase starting in fiscal year 2024, to match the 12.5% increase for DC Public School (DCPS) teachers.

### **II. COMMITTEE REASONING**

The Committee adopts language in the Fiscal Year 2024 Budget Support Act of 2023 to allow OSSE the authority to grant these funds to charter school teachers directly. However, it is the Committee's belief that the Executive should have focused efforts on adding equitable funding to the fiscal year 2024 budget for both DCPS and charter teachers, and the Committee is hopeful that all funding for our public education students and educators will be included in the UPSFF in the future.

### **III. SECTION BY SECTION ANALYSIS**

Section 4061. Short title.

Section 4062. Authorizes OSSE to issue grants to public charter schools to provide direct compensation payments to charter school educators.

### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

## **TITLE IV-H CHILDREN AND YOUTH MARIJUANA EDUCATION GRANTS**

### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to allow OSSE to issue grants to local education agencies, non-profit organizations, and community-based organizations to provide education to children and youth on the impacts and risks of marijuana use and to support prevention and intervention programs. It would amend the State Education Office Establishment Act of 2000.

### **II. COMMITTEE REASONING**

The Committee recommends striking this subtitle.

### **III. SECTION BY SECTION ANALYSIS**

Section 4071. Short title.

Section 4072. Creates the relevant marijuana education grant program.

### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

## **TITLE COW-A COMMISSION ON THE ARTS AND HUMANITIES LARGE CAPITAL GRANT PROGRAM**

### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

This subtitle amends the commission on the Arts and Humanities Act (“Act”) to set a lower ceiling on administrative costs for the Commission and create a new large capital grant program to be administered by the Commission which must be funded at at least 9 percent of the Commission budget each year. It also amends the Act to require that existing small capital grants and general operating support grants not exceed fifty percent of an organizations operating budget, and provides for minimum eligibility requirements which will be supplemented by rules to be adopted by the Commission with Council approval.

### **II. COMMITTEE REASONING**

Currently, the Commission administers the Facilities and Buildings (“FAB”) grant program that supports non-profit arts, humanities, arts education, and arts or humanities service organizations that own or rent facilities, intend to own or rent facilities, or seek capital project support for permanent property, technology, equipment, or digital assets designed for the training, management, production, or presentation of performances or exhibitions of the arts or humanities. In Fiscal Year 2023, the average FAB grant award ranged from \$15,300 to \$240,000 per organization, an average of \$88,000. However, there exists a need by many larger District arts organizations for larger, often multi-million capital grants to carry out major improvements on a periodic basis. These asks, which the Committee has received from a number of arts organizations over the years, are for large scale capital improvements, like replacement of hemp houses or other major renovations. Such dollars could leverage additional private investment through capital campaigns by the organizations. These capital campaigns are often on a periodic basis every five to ten years.

For example, in 2016, the National Theater requested funds from the Council to replace its decades old “hemp house” – the riggings used to move set pieces around the theater during a show. The Council ultimately made a \$1 million grant available in the Fiscal Year 2017 budget. Subsequently, the Council revised the funding mechanism for the Commission by tying its funding to general sales tax revenue and allocating grants to individuals and organizations through a statutory formula beginning in Fiscal Year 2019. The purpose was to provide additional funding so that the Commission could make larger grant awards and remove the need for the Council to directly earmark funds. However, the Commission never established a large capital grant program that could support these larger, one-off projects that are needed by larger theaters throughout the District on a rolling basis. Since 2019, the Commissions budget grew from \$28 million to now a proposed \$51 million budget, yet these large organizations continue to have an ongoing need for large capital grants.

This proposed subtitle establishes a new large capital grant program at the Commission to fulfill this need. As proposed in the Committee's recommendations for the Commission's budget, \$5 million will be set aside for the new grant program by using a portion of the increased sales tax dedication and several million in fund balance that has accrued to the Commission. Approximately \$4.5 million in additional fund balance is reserved to supplement future year budgets. The Commission expects ongoing accumulated fund balance year over year resulting from sales tax revenue forecasts, and underspending by the agency with respect to its administrative costs (the Commission cannot build salary lapse into its budget given its dedicated tax funding mechanism). In future budgets, the Commission will have to allocate at least 9 percent of its overall budget to the large capital grant program.

As discussed in the Commission's budget chapter, the Commission has been able to budget administrative costs at 18% in recent years, four points less than the current ceiling in the law. Thus, this subtitle also sets a more aggressive administrative cap of 20% to ensure funding is available for grants. For future budgets, the Commission will be able to determine how much to spend on administrative costs and how much to invest in the large capital grants, with the balance funding the existing four grant programs through the same formula.

Importantly, the proposed subtitle sets minimum eligibility for criteria to determine the universe of organizations that would be eligible using such criteria as owning or long term leasing the building by an organization and the appraised value of the facility to be improved. Additional criteria and program eligibility would be determined through rulemaking where the Commission could propose such criteria as diversity, equity, and inclusion goals. Such rules would be subject to Council approval. The proposed program only allows an organization to be eligible for a large capital grant award every three budget cycles, and if an organization is awarded a large capital grant, it is ineligible for a small capital grant in the same year.

Creation of the large capital grants program is a win on multiple levels. It takes pressure off of the existing grants programs at the Commission because large capital projects can now be funded from a separate pot of money. It also supports the local economy through the creation of jobs through these large capital improvement projects. Finally, it supports the District's goal of investing in Downtown where many of the eligible venues are located. Investing in arts spaces will attract audiences with improved facilities. As noted in the DC Cultural Plan: "Cultural space and identity have been fundamental parts of the city's resurgence. Beginning in the 1980s, cultural uses anchored revitalization of the downtown central employment area. The revitalization built on the area's long history as the city's economic and cultural epicenter by using storied venues such as Ford's Theatre, the Warner Theatre and National Theatre as anchors. Cultural organizations were able to build on the area's central location, extensive transportation, large worker population and throngs of visitors to build one of the nation's leading theater and entertainment areas." That same plan also notes that the District's cultural economy supports over \$1 billion in District tax revenue and employs over 150,000 workers generating over \$12 billion in wages.

Increasing the District's investment in cultural facilities' capital needs will contribute to our economy but also to the revitalization of Downtown in the wake of the COVID-19 pandemic. Moreover, it will allow arts organizations to leverage millions in additional capital investments.

### **III. SECTION BY SECTION ANALYSIS**

Sec. 20A1. Short title.

Sec. 20A2(a). Lowers the cap on administrative costs, sets a 9% floor for the large capital grant program, provides that the remaining funds are to be allocated to four grant program categories, and provides that organizations may not receive a facilities or general operating support grant that exceeds 50% of an organization's operating budget.

Sec. 20A2(b). Creates a new large capital grant program with a provision that the Commission establish rules to be approved by the Council.

### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

## **TITLE COW-B HISTORIC HOMEOWNER GRANT EXPANSION**

### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to expand the Historic Homeowner Grant Program by expanding eligibility for the program to structures that are historic landmarks and structures in any historic district. It also raises the maximum grant award from \$25,000 to \$50,000. It makes conforming changes to eliminate a special matching requirement for structures in the Anacostia Historic District. Finally, it increases the covenant with the Historic Preservation Office from five years to ten years to protect the District's investment in structural improvements to historic properties.

### **II. COMMITTEE REASONING**

The Historic Homeowner Grant Program was established in 2007. Since its implementation, the general structure of the grant program has not changed despite increases in costs from inflation for the preservation of historic structures. With the increase in the grant amount, along with a recommended doubling of the total grant funds recommended by the

Committee, more households would be eligible for higher levels of grant funding. The subtitle, as recommended by the Committee, also removes a special matching requirement for grants to structures in the Anacostia Historic District. The intent of the Committee is to put all historic districts on an even footing. The Committee will continue to work with stakeholders and the Office of Planning to ensure that the removal of the special matching language will not disadvantage structures in that historic district. Finally, the Committee recommends increasing the length of the covenant with the Historic Preservation Office, which is intended to ensure that capital improvements supported with District funds have a reasonable horizon and ensure that improvements are made to historic standards. The Committee will similarly continue to work with stakeholders and OP to ensure any changes to the covenant are consistent with best practices while protecting the District's interests in the improvements.

### **III. SECTION BY SECTION ANALYSIS**

Sec. 20B1. Short title.

Sec. 20B2. Updates Historic Homeowner Grant eligibility to include additional historic properties with a higher cap on grant awards.

### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

## **TITLE COW-C UNIVERSITY OF THE DISTRICT OF COLUMBIA FUNDRAISING MATCH**

### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to direct non-departmental funds to the University of the District of Columbia (UDC). Specifically, this amendment provides that for every dollar UDC raises from private fundraising, the District will match it with \$1, up to a maximum of \$1 million. UDC must raise the matching funds by April 1, 2024.

### **II. COMMITTEE REASONING**

Since fiscal year 2014, the Council has set aside funds for the University as part of a fundraising match. Originally as a means of supporting UDC's accreditation efforts, the Council



set aside a million dollars in matching funds in fiscal year 2014 to aid the University with accreditation activities and readiness. The Committee has been impressed by the steps the University has taken in terms of increasing its private fundraising and risen to the challenge.

The University and its students will still require more funding to succeed. The Committee recommends that UDC increase its fundraising efforts and continue to identify methods for broadening its donor base and diversifying its fundraising sources as it recovers from the pandemic to meet the 1:1 ratio, up to a \$1 million maximum match.

### **III. SECTION BY SECTION ANALYSIS**

Sec. XX01. Short title.

Sec. XX02. Indicates that for every dollar that UDC raises from private donations by April 1, 2024, one dollar of non-departmental funds shall be transferred to the University.

### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

## **TITLE COW-D HEALTHY FOOD CURRICULUM GRANTS**

### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to create a grant for healthy food programming with a not-for-profit organization that currently partners with the district public schools.

### **II. COMMITTEE REASONING**

The education of healthy eating is critical to district students. This grant will enable students to have familiarity with, skills to prepare, and desire to eat nutritious foods for the 2023-2024 school year.

### **III. SECTION BY SECTION ANALYSIS**

Sec. XX01. Short title.

Sec. XX02. Grantmaking authority.

#### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

### **TITLE COW-E SPECIAL NEEDS PUBLIC CHARTER SCHOOL GRANT**

#### **I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW**

The purpose of this subtitle is to direct funding to St. Coletta Special Education Public Charter School.

#### **II. COMMITTEE REASONING**

The Committee is recommending \$1,000,000 in funding for the Public Charter School Board ("PCSB") to transmit to St. Coletta Special Education Public Charter School. This funding will cover a deficit in funding left by the Uniform Per Student Funding Formula. The majority of these funds will cover education aids and nursing services. St. Coletta will be included in the upcoming Adequacy Study, currently being conducted by the Deputy Mayor of Education. These funds will cover the gap in funding until the results of the Adequacy Study are released.

#### **III. SECTION BY SECTION ANALYSIS**

Sec. XX01. Short title.

Sec. XX02. Requires the Public Charter School Board to transmit \$1 million to St. Coletta Special Education Public Charter School.

#### **IV. LEGISLATIVE RECOMMENDATION**

See attached.

## BUDGET SUPPORT ACT TEXT

### FISCAL YEAR 2024 BUDGET SUPPORT ACT OF 2023 LEGISLATIVE TEXT

1 **TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**

2 **SUBTITLE COW-A. COMMISSION ON THE ARTS AND HUMANITIES**

3 **ALLOTMENT ADJUSTMENT**

4 Sec. 20A1. Short title.

5 This subtitle may be cited as the “Commission on the Arts and Humanities Allotment  
6 Adjustment and Large Capital Grants Amendment Act of 2023”.

7 Sec 20A2. The Commission on the Arts and Humanities Act, effective October 21, 1975  
8 (D.C. Law 1-22; D.C. Official Code § 39-201 et. seq.), is amended as follows:

9 **SUBTITLE COW-B. TARGETED HISTORIC PRESERVATION ASSISTANCE.**

10 Sec. 20B1. Short title.

11 This subtitle may be cited as the “Targeted Historic Preservation Assistance Amendment  
12 Act of 2023”.

13 Sec. 20B2. Section 11b(b) of the Historic Landmark and Historic District Protection Act  
14 of 1978, effective March 2, 2007 (D.C. Law 16-189; D.C. Official Code § 6-1110.02), is amended  
15 as follows:

16 (a) Subsection (b) is amended to read as follows:

17 “(b) A grant under this program may be used to rehabilitate a structure that contributes to  
18 the character of any historic district or historic landmark.”.

19 (b) Subsection (d) is amended by striking the phrase “\$25,000; except, that a grant may be  
20 a maximum of \$35,000 if the structure is located in the Anacostia Historic District.” and inserting  
21 the phrase “\$50,000” in its place.

22 (c) Subsection (f) is amended by striking the phrase “; except, that the match requirement  
23 shall be a minimum of 15% for a taxpayer in the Anacostia Historic District”.

24 (d) Subsection (g) is amended by striking the phrase “; except, that the match requirement  
25 shall be a minimum of 40% for a taxpayer in the Anacostia Historic District”.

26 (e) Subsection (i) is amended by striking the phrase “5 years” and inserting the phrase “10  
27 years” in its place.

28

### 29 **TITLE III. PUBLIC SAFETY AND JUSTICE**

#### 30 **SUBTITLE B. TRANSFER OF SAFE PASSAGE PROGRAM**

31 Sec. 3011. Short title.

32 This subtitle may be cited as the “Safe Passages Implementation Amendment Act of 2023”.

33 Sec. 3012. The School Proximity Traffic Calming Act of 2000, effective May 23, 2000  
34 (D.C. Law 13-111; D.C. Official Code § 38-3101 et seq.), is amended as follows:

35 (a) Section 2 (D.C. Official Code § 38-3101) is amended as follows:

36 (1) A new paragraph (5A) is added to read as follows:

37 “(5) “DMPSJ” means the Deputy Mayor for Public Safety and Justice.”.

38 (2) Paragraph (9) is amended by striking the phrase “overseen by the DME” and  
39 inserting the phrase “overseen by the DMPSJ” in its place.

40 (b) Section 2a(a) (not yet codified) is amended as follows:

41 (1) Paragraph (1) is amended by striking the phrase “within the Office of the DME”  
42 and inserting the phrase “within the Office of the DMPSJ” in its place.

43 (2) Paragraph (2)(F) is amended by striking the phrase “with the DDOT” and  
44 inserting the phrase “with the Office of the DME, DDOT” in its place.

45 (c) Section 2b (not yet codified) is amended as follows:

46 (1) Subsection (a) is amended by:

47 (A) Striking the phrase “The DME or the DME’s designee” and inserting  
48 the phrase “The DMPSJ or the DMPSJ’s designee” in its place; and

49 (B) Striking the phrase “DME shall” and inserting the phrase “DMPSJ  
50 shall” in its place.

51 (2) Subsection (b)(1) is amended by striking the phrase “The DME shall” and  
52 inserting the phrase “The DMPSJ shall” in its place.

53 (3) Subsection (c)(2) is amended by striking the phrase “by the DME” and inserting  
54 the phrase “by the DMPSJ” in its place.

55 (4) Subsection (d)(2)(B) is amended by striking the phrase “by the DME” and  
56 inserting the phrase “by the DMPSJ” in its place.

57 (5) The lead-in text of subsection (e) is amended by:

58 (A) Striking the phrase “DME shall” and inserting the phrase “DMPSJ  
59 shall” in its place; and

60 (B) Striking the phrase “of DME” and inserting the phrase “of DMPSJ” in  
61 its place.

62 (5) The lead-in text of subsection (f) is amended by striking the phrase “The DME”  
63 both places it appears and inserting the phrase “The DMPSJ” in its place.

64                   (6) Subsection (g) is amended by striking the phrase “The DME” and inserting the  
65 phrase “The DMPSJ” in its place.

66                   (d) Section 2c (not yet codified) is amended as follows:

67                   (1) Subsection (a) is amended by striking the phrase “The DME” and inserting the  
68 phrase “The DMPSJ” in its place.

69                   (2) Subsection (b) is amended as follows:

70                                 (A) Paragraph (1) is amended to read as follows:

71   “(1) The DMPSJ;”

72                                 (B) A new paragraph (1A) is added to read as follows:

73   “(1A) The DME;”

74                   (3) Subsection (c) is amended by striking the phrase “the Deputy Mayor shall post  
75 on DME’s website” and inserting the phrase “the DMPSJ shall post on the Office of the DMPSJ’s  
76 website” in its place.

77                   (e) Section 2d(7) (not yet codified) is amended by striking the phrase “with DME” and  
78 inserting the phrase “with DMPSJ, DME” in its place.

79                   (f) Section 2h (c)(1)(A) (not yet codified) is amended by striking the phrase “by the DME”  
80 and inserting the phrase “by the DMPSJ” in its place.

81                   (g) Section 2i (not yet codified) is amended as follows:

82                                 (1) Subsection (b) is amended as follows:

83   (A) Paragraph (2) is amended by:

84   (i) Striking the phrase “by DME” and inserting the phrase “by  
85 DMPSJ” in its place; and

86 (ii) Striking the phrase “the DME’s” and inserting the phrase “the  
87 DMPSJ’s” in its place.

88 (B) Paragraph (3) is amended as follows:

89 (i) The lead-in text is amended by striking the phrase “by DME” and  
90 inserting the phrase “by DMPSJ” in its place.

91 (ii) Subparagraph (A) is amended by striking the phrase “by DME”  
92 and inserting the phrase “by DMPSJ” in its place.

93 (2) Subsection (e) is amended as follows:

94 (1) Paragraph (1) is amended by striking the phrase “DME and” and  
95 inserting the phrase “The Office of the DMPSJ and” in its place.

96 (2) Paragraph (2)(E) is amended to read as follows:

97 “(E) The Office of the DME;”

98 (h) Section 2j(a) (not yet codified) is amended as follows:

99 (1) The lead-in text is amended by striking the phrase “DME shall publicly post on  
100 the DME’s website” and inserting the phrase “the DMPSJ shall publicly post on the Office of the  
101 DMPSJ’s website” in its place.

102 (2) Paragraph (3) is amended by:

103 (A) Striking the phrase “by DME” and inserting the phrase “by the Office  
104 of the DMPSJ” in its place; and

105 (B) Striking the phrase “to DME” and inserting the phrase “to the Office of  
106 the DMPSJ” in its place.

107 **TITLE IV. PUBLIC EDUCATION SYSTEMS**

108 **SUBTITLE B. EDUCATION TO EMPLOYMENT DATA SYSTEM**

109 Sec. 4011. Short title.

110 This title may be cited as the “Education to Employment Data System Act of 2023”.

111 Sec. 4012. Section 202 of the Department of Education Establishment Act of 2007,  
112 effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-191), is amended by adding new  
113 subsections (b-1) and (b-2) to read as follows.

114 “(b-1)(1) The Deputy Mayor for Education may implement a centralized data system to  
115 collect, analyze, and publish data on how and how well the District’s education and workforce-  
116 related programs, and the agencies and entities implementing those programs, are serving District  
117 residents throughout their lifetimes, with the goal of enabling the linkage, management, and  
118 monitoring of information on individuals’ progress through education, workforce training, and  
119 employment.

120 “(2) Each agency of the District government, including independent agencies, shall  
121 cooperate with the Deputy Mayor for Education in the implementation of the centralized data  
122 system, including by sharing education data for grades pre-kindergarten through 12, higher  
123 education data, and adult education data and workforce data with the Deputy Mayor for Education  
124 to the maximum extent allowed by federal law and notwithstanding the provisions of any District  
125 law otherwise limiting the sharing of such information.

126 “(3) For the purposes of this subsection, the term:

127 (A) “Education data” means data relating to individual and aggregate  
128 student performance, including, as applicable:



129                                   “(i) Student progress information, including enrollment, retention,  
130 attendance, credit hours earned, graduation status, graduation rate, and time to degree;  
131                                   “(ii) Academic performance data, including grade point average,  
132 state assessment results, major selected, courses taken, and degree earned;  
133                                   “(iii) Financial aid status, including amount and type of financial aid  
134 awarded;  
135                                   “(iv) College and career preparedness data, including:  
136   “(I) Participation in career and technical education, work-  
137 based learning programs, early college, and dual enrollment programs; and  
138   “(II) Free Application for Federal Student Aid completion  
139 status; and  
140                                   “(v) Student demographics and data by special population statuses,  
141 including status as:  
142   “(I) Eligible for English learner and special education  
143 services;  
144   “(II) A recipient of assistance under the Supplemental  
145 Nutrition Assistance Program, Temporary Assistance for Needy Families program, or Pell grants;  
146   “(III) Under the legal responsibility of a foster care agency  
147 or court; and  
148   “(IV) Experiencing homelessness.  
149                                   “(B) “Workforce data” means data relating to participation in workforce  
150 programs and workforce outcomes, including:

151                   “(i) Employment information, including type of employment,  
152 employer name, location of employment, wage, number of hours worked, and length of  
153 employment;

154                   “(ii) Employment-related benefits data and status, including  
155 unemployment status and data; and

156                   “(iii) Workforce program participation data, including program  
157 enrollment, program completion status, and credentials earned.

158                   “(C) “Workforce program” includes apprenticeship programs, subsidized  
159 employment programs, occupational skills training, on-the-job training, internships, and job  
160 readiness programs.”.

161                   “(b-2) The Department of Education shall be considered an authorized representative of  
162 the Office of the State Superintendent of Education and the Higher Education Licensure  
163 Commission under applicable federal, District, and state laws and regulations for the purpose of  
164 accessing and compiling student record data for research purposes.”.

165                   Sec. 4013. Section 13(f) of the District of Columbia Unemployment Compensation Act,  
166 approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-113(f)), is amended as follows:

167                   (a) Paragraph (2) is amended by redesignating the second subparagraph (C) as  
168 subparagraph (D).

169                   (b) Paragraph (3) is amended by striking the phrase “system of public employment offices”  
170 and inserting the phrase “system of public employment offices or with responsibility or authority  
171 for the evaluation of workforce or education programs” in its place.

172                   (c) A new paragraph (4) is added to read as follows:

173                   “(4) The Director may disclose workforce and employment data that is otherwise  
174 protected pursuant to paragraph (1) of this subsection without prior consent from the employing  
175 unit or individual when:

176                   “(A) Disclosure is to another District agency or the agent or contractor of a  
177 District agency for the purpose of evaluating workforce or education programs; and

178                   “(B) The use or disclosure is consistent with District and federal law.”.

179                   **SUBTITLE D. CHILD CARE SUBSIDIES FOR CHILDREN WITH**  
180 **DISABILITIES**

181                   Sec. 4031. Short title.

182                   This subtitle may be cited as the “Enhancing Child Care Access for Children with  
183 Disabilities Act of 2023”.

184                   Sec. 4032. Section 3 of the Day Care Policy Act of 1979, effective September 19, 1979  
185 (D.C. Law 3-16; D.C. Official Code § 4-402(a)) is amended as follows:

186                   (a) Subsection (a) is amended as follows:

187                   (1) Paragraph (5) is amended by striking the period at the end and inserting the  
188 phrase “; and” in its place.

189                   (2) A new paragraph (6) is added to read as follows:

190                   “(6) Provide a program which supports the child care needs of children with  
191 disabilities and their families.”.

192                   (b) A new subsection (b-1) is added to read as follows:

193                   “(b-1) The Department is further authorized to:

194                   “(1) Make grants, as authorized by section 7g(c)(5) of the State Education Office  
195 Establishment Act of 2000, effective March 10, 2015 (D.C. Law 20-196; D.C. Official Code § 38-

196 2613(c)(5)), to child development facilities to support the costs of maintaining dedicated slots for  
197 infants, toddlers, and school-aged children with disabilities; and

198 “(2) Establish a referral program to place children with disabilities in dedicated  
199 grant-funded slots.”.

200 Sec. 4033. Section 7g(c) of the State Education Office Establishment Act of 2000, effective  
201 March 10, 2015 (D.C. Law 20-196; D.C. Official Code § 38-2613(c)), is amended as follows:

202 (a) Paragraph (3)(C) is amended by striking the phrase “; and” and inserting a semicolon  
203 in its place.

204 (b) Paragraph (4) is amended by striking the period at the end and inserting the phrase “;  
205 and” in its place.

206 (c) A new paragraph (5) is added to read as follows:

207 “(5) Make grants to child development facilities to support the costs of maintaining  
208 dedicated slots for infants, toddlers, and school-aged children with disabilities and to implement a  
209 referral program to place children with disabilities in dedicated grant-funded slots.”.

210 **SUBTITLE E. STATE BOARD OF EDUCATION COMPENSATION**

211 Sec. 4041. Short title.

212 This subtitle may be cited as the “State Board of Education Compensation Amendment Act  
213 of 2023”.

214 Sec. 4042. Section 1110 of the District of Columbia Government Comprehensive Merit  
215 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.10),  
216 is amended to read as follows:

217 “Sec. 1110. Compensation — Members of the State Board of Education.

218           “(a) Notwithstanding any other provision of law, each member of the State Board of  
219 Education shall, in 2024, receive an annual salary of \$20,000; except, the President of the Board  
220 of Education shall, in 2024, receive an annual salary of \$21,000. In each subsequent year, the  
221 annual salary of each member and the President of the SBOE shall be increased by a percentage  
222 equal to the percentage by which the Consumer Price Index for All Urban Consumers for the  
223 Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area (or such  
224 successor metropolitan statistical area that includes the District) increased in the prior calendar  
225 year.

226           “(b) The salaries of the members and President of the SBOE shall not be subject to step  
227 increases or any other increase not provided for by this section.

228           Sec. 4043. Applicability.

229           This subtitle shall apply as of January 1, 2024.

230           **SUBTITLE G. PUBLIC CHARTER SCHOOL TEACHER COMPENSATION**  
231 **GRANTS**

232           Sec. 4061. Short title.

233           This subtitle may be cited as the “Public Charter School Teacher Compensation Grants  
234 Amendment Act of 2023”.

235           Sec. 4062. Section 3(b) of the State Education Office Establishment Act of 2000, effective  
236 October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended by adding a  
237 new paragraph (18A) to read as follows:

238           “(18A) Have the authority to issue grants to public charter schools for the provision  
239 of direct compensation payments to teachers employed by the public charter school after

240 September 30, 2023, to support the recruitment and retention of teachers by the public charter  
241 school;”.

242 **SUBTITLE H. CHILDREN AND YOUTH MARIJUANA EDUCATION AND**  
243 **PREVENTION GRANTS**

244  
245 **SUBTITLE COW-C. UNIVERSITY OF THE DISTRICT OF COLUMBIA**  
246 **FUNDRAISING MATCH**

247 Sec. 40C1. Short title.

248 This subtitle may be cited as the “University of the District of Columbia Fundraising Match  
249 Act of 2023”.

250 Sec. 40C2. (a) In Fiscal Year 2024, of the funds allocated to the Non-Departmental agency,  
251 \$1 shall be transferred to the University of the District of Columbia (“UDC”) for every \$1 that  
252 UDC raises from private donations by April 1, 2024, up to a maximum transfer of \$1 million.

253 (b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less  
254 than one-third of the funds shall be deposited into UDC’s endowment fund.

255 **SUBTITLE COW-D. PUBLIC SCHOOL HEALTHY FOOD CURRICULUM**  
256 **GRANTS.**

257 Sec.40D1. Short title.

258 This subtitle may be cited as the “Public School Healthy Food Curriculum Grants  
259 Amendment Act of 2023”.

260 Sec. 40D2. Section 302 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C.  
261 Law 18-209; D.C. Official Code § 38-823.02), is amended by adding a new subsection (c) to  
262 read as follows:

263           “(c) In Fiscal Year 2024, notwithstanding the Grant Administration Act of 2013, effective  
264 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), no later than  
265 November 1, 2023, the Office of the State Superintendent of Education shall issue a \$1.9 million  
266 grant to a not-for-profit organization that currently partners with the District of Columbia Public  
267 Schools (“DCPS”) to integrate farming, cooking, and nutrition education curriculum (“healthy  
268 food programming”) into core academics for the purpose of continuing healthy food  
269 programming at DCPS in the 2023-2024 school year.”.

270           Sec. 40D3. Applicability.

271           This subtitle shall apply as of the effective date of the Fiscal Year 2024 Budget Support  
272 Emergency Act of 2023, passed on emergency basis on June \_\_\_\_, 2023 (Bill 25-).

273

274           **SUBTITLE COW-E. ST. COLETTA**

275           Sec.40E1. Short title.

276           This subtitle may be cited as the “Special Needs Public Charter School Funding  
277 Authorization Act of 2023”.

278           Sec. 40E2. (a)(1) Notwithstanding section 2401(b)(3)(B)(i) of the School Reform Act of  
279 1995, approved April 26, 1996 (110 Stat. 1321-136; D.C. Official Code § 38-  
280 1804.01(b)(3)(B)(i)), in Fiscal Year 2024, the Public Charter School Board (“PCSB”) shall  
281 transmit \$1 million to St. Coletta Special Education Public Charter School (“school”), which  
282 shall be in addition to any funds transmitted to the school pursuant to the Uniform Per Student  
283 Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March  
284 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*).

285                   (2) PCSB shall transfer the funds authorized pursuant to paragraph (1) of this  
286 subsection to a bank designated by the school within 30 days of the effective date of the Fiscal  
287 Year 2024 Local Budget Act of 2023, passed on second reading May 30, 2024 (Enrolled Version  
288 of Bill 25-).

289                   (3) Within 2 business days of transferring the funds authorized in subsection (a)  
290 of this section to the school, PCSB shall submit documentation to the Council showing that such  
291 transfer occurred.

292                   (b)(1) PCSB shall require the school to submit to it a quarterly accounting of all  
293 expenditures made with the additional funds the school received pursuant to subsection (a) of  
294 this section.

295                   (2) PCSB may consider the school's failure to submit the quarterly accounting  
296 required pursuant to paragraph (1) of this subsection as fiscal mismanagement.

297

298                   **SUBTITLE COW-F. OUT OF SCHOOL TIME OFFICE GRANT AUTHORITY**  
299 **EXPANSION**

300                   Sec. 4F01. Short title.

301                   This subtitle may be cited as the “Out of School Time Office Grant Authority Expansion  
302 Amendment Act of 2023”.

303                   Sec. 4F02. The Office of Out of School Time Grants and Youth Outcomes Establishment  
304 Act of 2016 (D.C. Law 21-261; D.C. Official Code § 2-1555.01 *et seq.*), is amended as follows:

305                   (a) Section 4 (D.C. Official Code § 2-1555.03(b)) is amended by striking the phrase  
306 “organizations providing” and inserting the phrase “organizations, District of Columbia Public  
307 Schools schools, and public charter schools providing” in its place.



308 (b) Section 5(b) (D.C. Official Code § 2–1555.04(b)), is amended as follows:

309 (1) Paragraph (1) is amended by striking the phrase “Except as provided in  
310 paragraphs (2) and (3) of this subsection” and inserting the phrase “Except as provided in  
311 paragraphs (2), (3), and (4) of this subsection” in its place.

312 (2) A new paragraph (4) is added to read as follows:

313 “(4) The Office may award grants on a competitive or formula basis to one or more  
314 District of Columbia Public Schools schools or public charter schools for the purpose of providing  
315 out-of-school-time programs.”.

## COMMITTEE ACTION

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