

# ENROLLMENT(S)



(5)

# COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

### D.C. LAW 12-180

#### **"Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Act of 1998"**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-680, on first and second readings, June 2, 1998 and July 7, 1998, respectively. Following the signature of the Mayor on July 23, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-426 and published in the August 28, 1998, edition of the D.C. Register (Vol. 45 page 6101) and transmitted to Congress on January 25, 1999 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-180, effective March 26, 1999.



LINDA W CROPP  
Chairman of the Council

#### Dates Counted During the 30-day Congressional Review Period:

Feb. 2,3,4,8,9,10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

AN ACT  
D.C. ACT 12-426

*Codification  
District of  
Columbia  
Code  
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
JULY 23, 1998

To establish, on a temporary basis, a uniform per student funding formula to determine annual payments to the District of Columbia Public Schools and annual payments to Public Charter Schools, and to require application of the formula only to Public Charter Schools until completion of an independent audit of student enrollment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Act of 1998".

Sec. 2. Definitions.

*Note, Section  
31-2853.91*

For the purposes of this act, the term:

(1) "Adult education" means services or instruction below the college level for adults who:

(A) Lack sufficient mastery of basic educational skills to enable them to function effectively in society;

(B) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or

(C) Have limited ability in speaking, reading, writing, or understanding the English language and whose native language is a language other than English.

(2) "Alternative school" means a specialized program providing instruction to students under court supervision or short- and long-term suspension from a regular District of Columbia Public School ("DCPS") academic program.

(3) "Consumer Price Index" ("CPI") means the Consumer Price Index for all urban consumers for Washington, DC-MD-VA, Index Base Period 1982-84 or its successor, as issued by the United States Department of Labor, Bureau of Labor Statistics.

(4) "District of Columbia Public Schools" ("DCPS") means the system of public schools as a local education agency under the control of the Board of Education or of the

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Emergency Transitional Education Board of Trustees in their function. The term does not include Public Charter Schools.

(5) "Foundation" or "foundation level" means the amount of funding per weighted student needed to provide adequate regular education services to students. Regular education services do not include special education, language minority education, summer school, capital costs, state education agency functions or services funded through federal and other non-appropriated revenue sources.

(6) "Full-time equivalent" means student and adult student enrollment for the equivalent of:

(A) Five hours or more per school day for a minimum of 180 school days;

or

(B) Three hours per night for a minimum of four nights per week for 36 weeks per school year.

(7) "Limited English Proficient/Non-English Proficient" (LEP/NEP) means students identified in accordance with federal law as entitled to English as a second language or bilingual services on the basis of their English language proficiency.

(8) "Per student funding formula" ("Formula") means the formula used to determine annual operating funding for District of Columbia Public Schools ("DCPS") and Public Charter Schools on a uniform per student basis, pursuant to section 2401 of the School Reform Act of 1995 ("School Reform Act").

(9) "Public Charter School" means a publicly funded school established pursuant to sections 2201 through 2214 of the Reform Act; and except as provided in sections 2212(d)(5) and 2213 (c)(5) of the School Reform Act, is not a part of the DCPS.

(10) "Residential school" means a DCPS or Public Charter School that provides students with room and board in a residential setting, in addition to their instructional program.

(11) "Special education" means specialized services for students identified as having disabilities, as provided in § 101(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or students who are individuals with a disabilities as provided in §7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(12) "State level costs" means costs incurred by the DCPS in its function as a state education agency, including the census of minors pursuant to Section 1 of An Act to provide for compulsory school attendance for the taking of a school consensus in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 807; D.C. Code § 31-404), impact aid surveys, issuance of work permits, conduct of hearings and appeals, employee certification, administration of federal aid to agencies or institutions outside of the DCPS or Public Charter Schools administration. For purposes of the Formula, transportation of handicapped students and payment of tuition for private placements of handicapped children are considered state level costs.

(13) "Summer school" means an accelerated instructional program in the summer

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for students in targeted grades or grade spans pursuant to promotion policies.

(14) "Weighting" is a multiplication factor applied to the foundation cost for student counts in certain grade levels or special needs programs to account for differences in the cost of educating these populations.

**Sec. 3. Applicability of Formula.**

(a) The Formula shall apply to operating budget appropriations for District of Columbia resident students in DCPS and Public Charter Schools of the District of Columbia. The student count to which the Formula is applied shall not include students enrolled in private institutions providing special education services paid by the District of Columbia or to non-resident students subject to the requirement of paying tuition pursuant to An Act to require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, approved September 8, 1960 (74 Stat. 853; D.C. Code § 31-602).

(b) The Formula shall apply only to operating budget appropriations from the District of Columbia General Fund for DCPS and for Public Charter Schools. It shall not apply to funds from federal or other revenue sources, nor to funds appropriated to other agencies and funds of the District of Columbia Government.

**Sec. 4. Foundation level.**

The foundation level or cost of providing public education services shall be \$5,500 per student for FY 1999 and subsequent years. The foundation level may be revised in subsequent years in accordance with provisions for inflation, revenue unavailability, and periodic review and revision of the Formula, pursuant to sections 10, 11, and 12.

**Sec. 5. Weightings applied to counts of students enrolled at certain grade levels.**

(a) The student counts at certain grade levels and in certain programs shall be weighted so as to provide an amount per student differing from the basic foundation level in accordance with the following schedule:

<b>Grade levels</b>	<b>Weighting</b>	<b>Total per pupil allocation in FY 1999</b>
Pre-School Pre-Kindergarten	1.16	\$6,380
Grades K-5 Ungraded enrolled in elementary schools	1.05	\$5,775

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Grades 6-8 Ungraded enrolled in middle or junior high schools	1.00	\$5,500
Grades 9-12 Ungraded enrolled in senior high schools Alternative school all grade levels	1.20	\$6,600
Adult	0.75	\$4,125

(b) The weighting for grades 9-12, ungraded senior high school students and alternative school students shall be phased in as follows:

- (1) FY 1999: Weighting 1.20;
- (2) FY 2000: Weighting 1.25;
- (3) FY 2001 and subsequent years: Weighting 1.30

Sec. 6. Supplement to foundation level funding on the basis of the count of special education, LEP/NEP, summer school, and residential school students.

(a) In addition to grade level allocations, supplemental allocations shall be provided on the basis of the count of students identified as entitled to and receiving:

- (1) Special education; or
- (2) English as a second language or bilingual education services; or
- (3) Summer school instruction for students who do not meet literacy

standards pursuant to promotion policies of the DCPS or Public Charter Schools as defined in section 2401(b)(3)(b)(ii) of the Reform Act (D.C. Code § 31.2853.41 (b)(3)(B)(ii)).

(b) Supplemental allocations shall be provided for each student in full-time residence at a residential DCPS or Public Charter School.

(c) These supplemental allocations shall be calculated by application of the following weightings to the foundation level:

<b>Level/pro-gram</b>	<b>Definition</b>	<b>Weight-ing</b>	<b>Supplemental \$\$ per pupil FY 1999</b>
Level 1 Spec-ial Education	Regular class; special education services less than 6 hours/school week	+0.22	\$1,210
Level 2 Spec-ial Education	Resource room; special education services 7-15 hours/school week	+0.80	\$4,400

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Level 3 Special Education	Separate class; special education services more than 15 hours/school week	+1.73	\$9,515
Level 4 Special Education	Separate DCPS or Public Charter School	+1.72	\$9,460
LEP/NEP	Limited and non-English proficient students	+0.4	\$2,200
Summer School	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and Public Charter Schools.	+0.10	\$550
Residential	D.C. Public School or Public Charter School that provides students with room and board in a residential setting, in addition to their instructional program.	+1.7	\$9,350

(d) The above weightings shall be applied cumulatively in the counts of students who fall into more than one of the above categories.

**Sec. 7. Pupil count.**

Annual appropriations pursuant to the Formula shall be based on the number of resident students calculated as provided in section 2402(a) and (b) of the School Reform Act (D.C. Code § 31-2853.42(a) and (b)). This count shall be verified by an independent contractor who shall perform a census on the student enrollment of the District of Columbia public schools and charter schools, and after verification shall be transmitted to the Mayor, Council, and the Authority no later than the following January 1. The count shall also include the information provided in section 2402 (b) of the School Reform Act (D.C. Code § 31-2853.42(b)). If the verification has not been transmitted by January 1, the Chair of the Committee on Education, Libraries and Recreation shall instruct the District of Columbia Auditor to determine the resident enrollment on the basis of the best evidence available, and this count, as certified by the Auditor, shall be the basis for the annual appropriation.

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Sec. 8. State level costs of District of Columbia Public Schools.

(a) Transportation for handicapped students, tuition payments for private placements for handicapped students, and state education agency functions of the DCPS system are not covered by the Formula and shall be appropriated by the Mayor and Council as an amount in addition to that generated by the Formula.

(b) DCPS in its function as the state education agency for the District of Columbia shall perform all state education agency functions for Public Charter Schools as for private schools and for District of Columbia Public Schools in its function as a local education agency.

Sec. 9. Facilities allowance for Public Charter Schools.

(a) The FY 1999 Facility Allowance for Public Charter Schools will be determined by the following formula: The total funds being estimated from all sources for the FY 1998 DCPS capital improvement program will be divided by the SY 1997-1998 DCPS pupil count, as defined in section 7, to determine the "DCPS per pupil facility cost" cost for FY 1999. For FY 1999 only, this DCPS per pupil facility cost will be multiplied by the number of students estimated to be attending each Public Charter School in SY 1998-1999 to determine the actual facility allowance payments to be received by each charter school in FY 1999.

(b) For FY 2000 and succeeding fiscal years, the Facility Allowance for Public Charter Schools will be determined as described in subsection (a) of this section, except that the DCPS per pupil facility cost for FY 2000 will be averaged with the DCPS per pupil facility cost for FY 1999, to determine the Public Charter School per pupil Facility Allowance for FY 2000. The FY 2000 Public Charter School per pupil facility allowance will then be multiplied by the number of students estimated to be attending each Public Charter School in SY 1999-2000 to determine the actual facility allowance payments to be received by each Charter School in FY 2000. This "moving average" will add one year each year until a total of 5 years are included in the calculations. Thereafter the calculations will include the most recent 5 years.

(c) If supplemental funds for the capital improvement program are received by DCPS during any given fiscal year, the total of those supplemental funds shall be added to that fiscal year's capital improvement program in determining that year's DCPS per pupil facility cost in the next fiscal year's calculations of the moving average.

Sec. 10. Payments.

Payments for the per student allotment and facilities allowance shall be made as provided in section 2403 of the School Reform Act (D.C. Code § 31-2853.43).

Sec. 11. Cost of education adjustment.

The foundation level shall be increased annually by the average percentage increase in the CPI for the preceding calendar year, or by 4%, whichever is less.



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Sec. 12. Procedure for adjusting appropriation in case of revenue unavailability.

If in any given year the Council finds that full funding of the Formula from local revenues is inconsistent with legal requirements for a balanced budget, then:

(a) The Council shall reduce the foundation level accordingly, and set a schedule for achieving or restoring full funding, however, funding shall not be less than 95% of the previous year's funding; and

(b) The Mayor, Council, Superintendent/CEO, Board of Education and the Emergency Transitional Education Board of Trustees shall use their best efforts to obtain temporary supplemental funding from other revenue sources.

Sec. 13. Periodic revision of the formula.

(a) The Mayor and Council, in consultation with representatives of DCPS and of the Public Charter Schools, shall review and revise this Formula within 2 years of its establishment, within 2 years thereafter, and once every 4 years subsequently. Revisions shall be based upon information and data including study of actual costs of education in the District of Columbia, consideration of performance incentives created by the Formula in practice, research in education and education finance, and public comment.

(b) The study of actual costs of education pursuant to section 12(a) shall include but not be limited to the following:

- (1) The relation of funding levels to student outcomes;
- (2) Maintenance of effort in specified areas of focus to promote continuity of effective practices;
- (3) Improved techniques for determining specific levels of funding needed to provide adequate special education services; and
- (4) Improved measures of change in the cost of education.

Sec. 14. Variations in per pupil allocations not binding on expenditures of recipient schools. Variations from uniformity in the Formula are not intended as an exercise of the Council's line-item authority over the DCPS budget. Allocations by the count of students in certain grade levels and programs are intended only to generate total appropriation amounts on a per student basis.

Sec. 15. The application of the Formula shall apply only to Public Charter Schools until the DCPS student enrollment count is verified by an independent contractor who shall perform a census on the student enrollment of the District of Columbia Public Schools. The count shall include the information provided in section 2402 (b) of the School Reform Act, (D.C. Code § 31-2853.42(b)).

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Sec. 16. Fiscal impact statement.

The fiscal impact for the per student allocation is \$511,672,535 for public schools and \$11,000,000 for public charter schools for Fiscal Year 1999. The funding level is based on a foundation level of \$5,500 plus weightings and a resident student enrollment count of 77,000 for DCPS and 2,000 for public charter schools. The public charter schools enrollment count of 2,000 was derived from the consensus budget work session. The FY 1999 local appropriation of \$545,000,000 for public schools and \$12,235,000 for public charter schools covers the per student expenditures.

The fiscal impact for the public charter schools facilities allowance is \$2,080,000. The funding level is based an allocation of \$1040 per student multiplied by a resident student enrollment count of 2,000 for public charter schools. Due to budget constraints and the fact DCPS' capital budget is based on an amount which is inflated by extraordinary cost (i.e., DCPS had to repair a significant amount of roofs and other repairs at the same time), the per student allocation of \$1040 is decreased to \$617.00 per student, which amounts to a total of \$1,234,000 for the facilities allowance payment. The FY 1999 appropriation of 12,235,000 for public charter schools covers the per student cost of \$11,000,000 and facilities allowance cost of \$1,234,000.

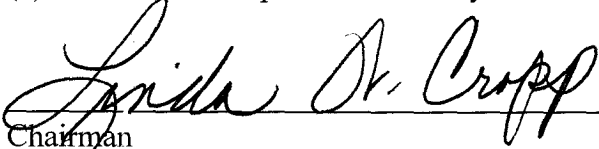
Assuming that the variables remain constant, the fiscal impact for the next five years, which includes a 2% inflation increase, is as follows:

FY 2000: \$521,905,985 (DCPS) and \$12,478,680 (charter schools)  
FY 2001: \$532,344,104 (DCPS) and \$12,728,253 (charter schools)  
FY 2002: \$542,990,986 (DCPS) and \$12,982,718 (charter schools)  
FY 2003: \$553,850,805 (DCPS) and \$13,242,372 (charter schools)  
FY 2004: \$564,927,881 (DCPS) and \$13,507,219 (charter schools)


Sec. 17. D.C. Act 12-350, the Uniform Per Student Funding Formula for Public Schools and Charter Schools Emergency Act of 1998 is repealed.

Sec. 18. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by Council to override the veto), approval by the Financial Responsibility Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

A handwritten signature in cursive script, reading "Linda A. Cropp", written over a horizontal line.

Chairman  
Council of the District of Columbia

A handwritten signature in cursive script, reading "Ann R. Bowser", written over a horizontal line.

Mayor  
District of Columbia

APPROVED: July 23, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-680

Docket No. \_\_\_\_\_

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 6-2-98

VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

CATANIA, SMITH AND THOMAS

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*July 9, 1998*  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 7-7-98

VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*July 9, 1998*  
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date