

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
FISCAL YEAR 2023 COMMITTEE BUDGET REPORT



DRAFT 4/20

TO: Members of the Council of the District of Columbia

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: April 21, 2023

SUBJECT: Report and Recommendations of the Committee of the Whole on the
Fiscal Year 2023 Budget and Corresponding Budget Support Act

The Committee of the Whole, having conducted hearings and received testimony on the Mayor's proposed fiscal year 2023 operating and capital budgets for the agencies under its purview, reports its recommendations for consideration by members for inclusion in the final Fiscal Year 2023 Budget. The Committee also comments on several subsections of the Fiscal Year 2023 Budget Support Act of 2022, and makes its own additional proposals.

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INTRODUCTION

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 2023 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 2023 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 to 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 & Legislative Director; Blaine Stum, Senior Policy Advisor; LeKisha Jordan, Senior Policy Advisor; Christian Washington, Special Counsel, Raleigh Lancaster, Senior Legislative Counsel; and Aaron Sayama, Legislative Assistant; Anne Phelps, Budget Counsel ; Andrew Eisenlohr, Deputy Budget Director; and Dan Golden, Deputy General Counsel.

Committee of the Whole 2021/22 Performance Oversight Hearing Schedule

Monday, February 22, 2022 at Noon

- Metropolitan Washington Airports Authority
- Metropolitan Washington Council of Governments
- Washington Metropolitan Area Transit Administration
- Washington Metrorail Safety Commission

Thursday, February 24, 2022 at 9:00 a.m.

- Office of Zoning
- Office of Planning
- Department of Consumer and Regulatory Affairs

Friday, February 25, 2022 at 10:30 a.m.

- District of Columbia Auditor
- Office of Budget and Planning
- New Columbia Statehood Commission
- District of Columbia Retirement Board
- Other Post-Employment Benefits Fund

Wednesday, March 2, 2022 at 9:00 a.m.

- Education Public Witnesses

Thursday, March 3, 2022 at 9:00 a.m.

- State Board of Education
- Office of the Student Advocate
- Ombudsman for Education
- DC State Athletic Association
- Office of the Deputy Mayor for Education
- D.C. Public Charter School Board
- Office of the State Superintendent of Education
- District of Columbia Public Schools

Friday, March 4, 2022 at 10:30 a.m.

- Commission on the Arts and Humanities
- University of the District of Columbia

Committee of the Whole Fiscal Year 2023 Budget Hearing Schedule

Tuesday, March 22, 2022 at Noon

- Council of the District of Columbia
- Metropolitan Washington Council of Governments
- New Columbia Statehood Commission
- District of Columbia Auditor
- District of Columbia Retirement Board
- Other Post-Employment Benefits Fund

Thursday, March 24, 2022 at 9:00 a.m.

- Office of Planning
- Department of Consumer and Regulatory Affairs

Monday, March 28, 2022 at 9:00 a.m.

- Education Public Witnesses

Tuesday, June 8, 2022 at 9:00 a.m.

- State Board of Education
- Office of the Student Advocate
- Ombudsman for Education
- DC State Athletic Association
- Office of the Deputy Mayor for Education
- D.C. Public Charter School Board
- Office of the State Superintendent of Education
- District of Columbia Public Schools

Thursday, March 18, 2022 at Noon

- Office of Zoning
- Office of Budget and Planning
- University of the District of Columbia
- Commission on the Arts and Humanities

SUMMARY TABLES

COMMITTEE TRANSFERS SUMMARY TABLE

(whole dollars)

Committee	Description	Amount	Type
Committee of the Whole	Transfer In: FY22 Unspent funds from Council's Water Lead Line Audit	\$120,000	One Time Local
Committee on Transportation and the Environment	Transfer In: Central Food Facility Siting and Feasibility Study	\$80,000	One Time Local
Committee on Transportation and the Environment	Transfer In: Food Policy Council Positions (Community Engagement and Community Engagement & Policy Analyst) and association Non-Personal Services	\$207,398	Recurring Local
		\$6,000	One Time Local
Committee on Transportation and the Environment	Transfer In: MWCOG Food and Agriculture Regional Member (FARM)	\$35,000	One Time Local
Committee on the Judiciary and Public Safety	Transfer In: Funding for D.C. Law 22-287, regarding Vacant Property Designations	\$20,000	One Time Local
		\$60,000	Recurring Local
Committee on Labor and Workforce Development	Transfer In: UDC Study on Violence Interrupter Career Pathways	\$500,000	One Time Local
Committee on Labor and Workforce Development	Transfer In: DC Government Employee Medical Leave	\$4,365,000	Recurring Local
Committee on Business and Economic Development	Transfer In: Council Racial Equity Office Position	\$150,000	Recurring Local
Total:		\$5,543,398	

AGENCY FY 2023 OPERATING CHANGES SUMMARY TABLE

(dollars in whole dollars)

Agency	Amount	Type	Attributes	Description
Office of Planning	(\$1,650,000)	One Time Local	Pgm. DCRP CSG 40	Reduce funds for Streets for People Grants
Deputy Mayor for Education	(\$119,211)	Recurring Local	Pgm. 2000/2010 CSG 11+14	Eliminate 1.0 FTE enhancement for Community Outreach
Deputy Mayor for Education	(\$125,000)	Recurring Local	Pgm. 2000/2010 CSG 41	Eliminate NPS enhancement for Community Outreach
Department of Buildings	(\$308,725)	Recurring Local	Pgm. 1000/1040 CSG 11+14	Eliminate 2.0 vacant administrative positions
Department of Buildings	(\$162,349)	Recurring Local	Pgm. 1000/1085 CSG 11+14	Eliminate 2.0 vacant administrative positions
Department of Licensing and Consumer	(\$181,708)	Recurring Local	PGM 1000/1040 CSG 11+14	Eliminate 1.0 vacan administrative position
Metropolitan Washington Council of	\$35,000	One Time Local	Pgm. 1000/1100 CSG 50	MWCOG Food and Agriculture Regional Member FARM
Council of the District of Columbia	\$150,000	Recurring Local	Pgm. 2000/0025 CSG 11+14	Additional position for CORE
Office of Planning	\$300,000	One Time Local	Pgm. 2000/2020 CSG 50	Local History Grant
Office of Planning	\$200,000	One Time Local	Pgm. 7000/7010 CSG 41	Siting and feasibility study of a Central Food Processing Facility
Office of Planning	\$207,398	Recurring Local	Pgm 1000/1090 CSG 11+14	Two New Food Policy Council Positions
Office of Planning	\$6,000	One Time Local	Pgm 1000/1040 CSG 70	
Deputy Mayor for Education	\$800,000	One Time Local	Pgm. 2000/2010 CSG 41	Fund the Master Facilities Plan contained in Bill 24-1
State Board of Education	\$91,350	Recurring Local	Pgm. SB00/SB01 CSG 11	One new position to focus on state education standards
Office of the Student Advocate (SBOE)	\$94,000	Recurring Local	Pgm. SB00/SB03 CSG 11+14	One new Student Advocate position
DC State Athletics Association	\$50,000	One Time Local	Pgm. A100/A101 CSG 41	Support for athletic tournament costs (rent, trophies, etc.)
University of the District of Columbia Subsidy	\$500,000	One Time Local	Pgm. 1000/1100 CSG 50	UDC Violence Interrupter Career Pathways Study
Department of Buildings	\$60,000	One Time Local	Pgm. 1000/1040 CSG 40	Implement Sections 4(c), (d), and (e) of Bill 22-317, DCRA Omnibus Act of 2017
Department of Buildings	\$20,000	Recurring Local	Pgm. 1000/1040 CSG 40	
Department of Buildings	\$674,004	Recurring Local	Pgm 3000/3020 CSG 40+11	8 new Housing Code Inspectors (6 x Level I / 2 x Level II)
Non-Departmental	\$500,000	One Time Local	Pgm. 1000/1100 CSG 50	Additional Matching Funds for UDC
Non-Departmental	\$4,365,000	Recurring Local	Pgm. 1000/1100 CSG 50	District Government Employee Paid Leave Program
General Funds Total:	\$5,505,759			

AGENCY FY 2023 CAPITAL BUDGET SUMMARY TABLE

(thousands of dollars)

The Mayor's proposed fiscal year 2023 capital budget for agencies under the purview of the Committee of the Whole includes the following capital projects in fiscal year 2023. The Committee recommends adoption of the capital budget as shown below.

Project No.	Project Title	Available Allotment	FY 2023 Budget	FY 2024 Budget	FY 2025 Budget	FY 2026 Budget	FY 2027 Budget	FY 2028 Budget	Total FY 2023-28
COUNCIL OF THE DISTRICT OF COLUMBIA									
WIL04C	John A. Wilson Building Fund	1,267	0	0	0	0	0	0	0
WIL05C	IT Upgrades	4,070	0	0	0	0	0	0	0
Total		5,337	0	0	0	0	0	0	0
OFFICE OF ZONING									
JM102C	Zoning Information Technology Systems	7	192	0		0	0	0	192
Total		7	192	0	0	0	0	0	192
COMMISSION ON THE ARTS AND HUMANITIES									
CHH04C	Charles Hamilton Houston Bronze Statue	300	0	0	0	0	0	0	0
CTN04C	Chinatown Friendship Archway Renovation	0	0	0	0	0	0	0	0
Total		300	0	0	0	0	0	0	0
DEPARTMENT OF LICENSING AND CONSUMER PROTECTION									
ISM07C	IT Systems Modernization	2,976	500	500	0	0	0	0	1,000
FRL23C	Fleet Vehicles Replacement	0	313	17	0	40	0	0	370
ISM11C	DCRA Business Portal	133	0	0	0	0	0	0	0
ISMNEC	Short-Term Rental Technology	660	0	0	0	0	0	0	0
Total		3,769	813	517	0	40	0	0	1,370
DEPARTMENT OF BUILDINGS									
ISM23C	IT Systems Modernization	0	2,000	2,500	0	0	0	0	4,500
FRB23C	Fleet Vehicles Replacement - DOB	0	1,706	124	123	18	328	0	2,299
Total		0	3,706	2,624	123	18	328	0	6,799
DISTRICT OF COLUMBIA PUBLIC SCHOOLS									
Multiple	Mayor's Proposed DCPS Capital Projects	209,796	437,697	379,518	381,215	410,198	427,549	428,108	2,464,285
JOH37C	Johnson MS Repairs COW Enhancement		250	0	0	0	0	0	250
SK1PBC	Peabody Playground COW Enhancement		0	1,500	0	0	0	0	1,500
Total		209,796	437,947	381,018	381,215	410,198	427,549	428,108	2,466,035
OFFICE OF THE STATE SUPERINTENDENT FOR EDUCATION									
EMG16C	Educational Grant Management System II	57	0	0	0	0	0	0	0
GD001C	CTE Advanced Technical Center 1	0	4,970	0	0	0	0	0	4,970
GD001C	Data Infrastructure	2,730	4,693	0	0	0	0	0	4,693
GDMMSC	Common Lottery: My School DC	1,094	0	0	0	0	0	0	0
MODARC	New Statewide Special Education Data Sys	971	0	0	0	0	0	0	0
SIS01C	Single State-Wide Student Information Sys	32	0	0	0	0	0	0	0
Total		4,884	9,663	0	0	0	0	0	9,663
UNIVERSITY OF THE DISTRICT OF COLUMBIA									
UG706C	Renovation of University Facilities	71,598	50,000	37,000	23,000	31,000	18,000	9,500	168,500
UG711C	Bertie Backus Beautification	500	0	0	0	0	0	0	0
UG710C	UDC STEM/IT Buildout	7,500	0	0	0	0	0	0	0
ET940C	Higher Education Back Office	1,896	0	0	0	0	0	0	0
UG709C	Workforce Development CC Needs	5,050	0	0	0	0	0	0	0
Total		86,544	50,000	37,000	23,000	31,000	18,000	9,500	168,500
SPECIAL EDUCATION TRANSPORTATION									
BRM15C	1601 W Street NE Building Renovation	4,374	0	0	0	0	0	0	0
BRM16C	2215 5th Street NE Building Renovations	4,856	5,000	0	0	0	0	0	5,000
BU05B0C	Bus-Vehicle Replacement	2,945	0	3,500	4,000	5,682	5,853	0	19,035
BU501C	DOT GPS	1	417	421	0	0	0	0	838
Total		12,176	5,417	3,921	4,000	5,682	5,853	0	24,873
MASS TRANSIT SUBSIDIES									
SA501C	WMATA CIP Contribution	161,655	280,658	284,379	286,096	287,408	290,357	294,024	1,722,922
SA311C	WMATA Funds - PRIIA	70	49,500	0	0	0	0	0	49,500
TOP02C	Project Development	0	1,000	1,000	1,000	1,000	1,000	1,000	6,000
Total		161,725	331,158	285,379	287,096	288,408	291,357	295,024	1,778,422
GRAND TOTAL		484,538	838,896	710,459	695,434	735,346	743,087	732,632	4,455,854

AGENCY FISCAL YEAR 2023 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 2023 budget proposal; (III) commentary on issues and concerns the Committee has identified; and (IV) 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.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Proposed 2023	Committee 2023	Change
Operating Funds	26,072	27,189	30,582	32,729	32,729	0
Operating FTEs	197.5	197.0	214.0	227.0	227.0	0
Capital Funds	598	910	0	0	0	0

Source: Budget Books (dollars in thousands)

II. PROPOSED BUDGET

Proposed Fiscal Year 2023 Operating Budget¹

The Fiscal Year 2023 budget proposal for the Council of the District of Columbia is \$32,729, an increase of \$2,147, or 7.0 percent, from the current fiscal year. The proposed budget supports 227.0 FTEs, which represents a decrease of 13.0, or 6.1 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 2023 (FY 2023) budget and agency performance over the last year.

FY 2021 and FY 2022 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, and the Office of the Budget Director, which provides advice and support in crafting the annual District budget.

Engagement and Accessibility. Over the last two years, the Council has integrated American Sign Language (ASL) interpretation for all Legislative and Committee of the Whole Meetings. In addition, language and ASL interpretation are provided upon timely request for committee meetings and hearings. Additional services for individuals who experience varying degrees of hearing loss have also been implemented. The Council also continues to focus attention on communicating with residents in plain speak through social media channels with a grown presence of followers on the various platforms.

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) at the beginning of Council Period 24. The CORE Training Institute has also been launched to provide in depth training to Councilmembers and staff on complex issues related to racial equity. Importantly, CORE has completed more than 30 Racial Equity Impact Analyses to date providing an important equity lens to inform the Council's work. Several jurisdictions both locally and national have used the CORE office as a model for their own work in racial equity.

¹ 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.

Budget and Research Capacity. Over the last year, the Council Budget Office shepherded the Fiscal Year 2022 Budget and Financial Plan through the Council approval process, including three supplemental Fiscal Year 2021 budgets during the process. Last year, the Office's Research Team issued a three-part series called The State of Older Adults in the District of Columbia on our older adults' demographic and economic characteristics, the publicly provided benefit programs available to them, and how households make ends meet. The Research Team also produced several memoranda on topics of interest to the Council, including voting rights; addressed a number of research requests from Council member offices and committees; and collaborated with Pew Charitable Trusts and Johns Hopkins University to produce health notes on four pieces of legislation.

FY 2022 Budget: The FY 2023 budget submission includes new funding over the FY 2022 budget including a decreased fringe benefits rate, two additional FTEs for the Office of General Counsel, and additional funding for CORE.

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 \$1.9 million.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee on Business and Economic Development transferred \$150,000 in recurring local funds for CORE. The Committee of the Whole also recognizes \$120,000 in Fiscal Year 2022 available funds and moves it forward to Fiscal Year 2023 to the Office of Planning.

The Committee recommends adoption of the Fiscal Year 2023 budget for the Council of the District of Columbia as proposed by the Mayor with the following changes:

1. Increase Program/Activity 2000/0025, CSG 11 by \$120,000 (Local, Recurring)²
2. Increase Program/Activity 2000/0025, CSG 14 by \$30,000 (Local, Recurring)³

² New Position for the CORE office

³ New Position for the CORE office

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Proposed 2023	Committee 2023	Change
Operating Funds	5,075	5,523	6,876	7,676	7,676	0
Operating FTEs	27.9	26.5	40.7	40.6	40.6	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. PROPOSED BUDGET

Proposed Fiscal Year 2023 Operating Budget⁴

The Fiscal Year 2023 budget proposal for the Office of the District of Columbia Auditor is \$7,676, an increase of 800, or 11.6 percent, from the current fiscal year. The proposed budget supports 40.6 FTEs, a decrease of 0.1, or 0.1 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 2023 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 enables additional flexibility in scheduling the timing for audits and conducting additional discretionary audits. The current Audit Engagement Fund balance is \$334,810.46.

Rent Costs: This year, the Auditor will finally move into new office space at 1331 Pennsylvania Avenue, N.W. This move has been a priority for the agency given the inadequate work conditions at its current space under an expensive lease. Unfortunately, due to the pandemic, building out of the new space has been delayed, necessitating a one-year extension of its lease at 717 14th Street N.W. The new space will include offices to accommodate the new Deputy Auditor for Public Safety.

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 pending comprehensive policing legislation. However, because the bill is still pending Council review, the Auditor has not yet started recruiting for the office. Currently, these funds will revert to the Audit Engagement Fund.

Audit Mandates: According to the Auditor recommended that her office work with the Council on legislation to remove unnecessary statutory audits. This would allow ODCA to devote additional resources to high priority discretionary audits, or those requested by Council committee. Such legislation has previously been adopted by the Council in 2015 – 7 years ago. The Committee recommends that the Auditor provide a list of potentially unnecessary statutory audits and work with the Committee on legislation to revise any mandates.

⁴ 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.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Office of the District of Columbia Auditor as proposed.

Policy Recommendations

1. The Committee recommends that the Auditor begin identifying candidates for the Deputy Auditor and related staff once the Council has adopted permanent legislation codifying the office.
2. The Committee recommends that the Auditor provide a list of potentially unnecessary statutory audits and work with the Committee on legislation to revise any 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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	554	586	595	1,171	1,206	35
Operating FTEs	0	0	0	0	0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget:⁵

The Mayor's Fiscal Year 2023 budget proposal for Metropolitan Washington Council of Governments is \$1,171, an increase of \$576, or 96.7 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 COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed FY 2023 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 count on owing more in COG dues. Any annual increases in dues is subjected 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 2023 proposed membership dues to COG is \$594 which is \$39 more than the previous year. This is the result of a last year's one-time reduction in dues

⁵ 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.

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 eight 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 \$576,748 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.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget:

The Committee on Transportation and the Environment transferred \$35,000 in one-time local funds to the Metropolitan Washington Council of Governments (MWCOC) to support making the Food and Agriculture Regional Member (FARM) ad-hoc committee a permanent committee at MWCOC. As with other MWCOC issues such as air quality and water supply, the food and agriculture system's interconnectedness often demand a regional response. These funds will allow MWCOC to build stronger connections within the region's food and farm economy.

The Committee recommends adoption of the Fiscal Year 2023 budget for the Metropolitan Washington Council of Governments as proposed by the Mayor with the following changes:

1. Increase Program/Activity 1000/1100, CSG 50 by \$35,000 (One Time, Local).

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 MWCOC work with the Mayor's budget office in formulating the FY24 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 2020-2023

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	237	252	241	248	248	0
Operating FTEs	0.9	3.0	3.0	3.0	3.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget⁶

The Fiscal Year 2023 budget proposal for the Statehood Initiatives Agency is \$248, an increase of \$7, or 2.8 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.

⁶ 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 FY 2023 budget and agency performance over the last year.

Commission Budget: The New Columbia Statehood Initiative and Omnibus Boards and Commissions Reform Amendment Act of 2014⁷ 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. The Committee urges the Commission to adopt such a budget prior to the commencement of FY 2023.

Staffing Structure: Over the last 7 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, this 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.

Statehood Initiatives Budget Adoption: Under the law governing the New Columbia Statehood Commission, the Commission is to develop an annual budget for, and oversee expenditures from, the New Columbia Statehood Fund (D.C. Official Code § 1-129.31(b)(3)). 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.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 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 2023 budget based on the budget approved by the Council.

⁷ Effective May 2, 2015 (D.C. Law 20-271; D.C. Official Code § 1-129 *et seq.*).

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.
3. The Committee recommends that the Commission implement a centrally managed staff Executive Director, to support the Commission's activities.

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 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	5,606	5,906	6,598	6,657	6,657	0
Operating FTEs	38.4	37.3	45.0	42.0	42.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget

The Fiscal Year 2023 budget proposal for the Office of Budget and Planning is \$6,657, an increase of \$59, or 0.1 percent, from the current fiscal year. The proposed budget supports 42.0 FTEs, which represents a decrease of 3.0, or 7.1 percent, 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 2023 budget and agency performance over the last year.

FY22 Budget Formulation: Unfortunately, a last minute budget formulation error delayed the Mayor's submission of the Fiscal Year 2022 budget by two days. Such circumstances are, luckily, rare, however the Council has experienced frustration in past budgets with OBP's confirming of the Council's proposed budget. The Committee appreciates the role of OBP and the entire OCFO in ensuring that first and foremost the budget is balanced. The Committee recommends that OBP work diligently with the Mayor and Council delays and errors in future budgets.

Interagency Budgeting: In FY 2023, the prior Intra-District process, which required District agencies to account for negotiated service agreements with other District agencies in a buyer agency-seller agency arrangement, will be eliminated. This process required duplicated budget in the seller agencies, known as Intra-District budget, which will no longer be used. This process will be replaced by a new interagency process, which will enable the agencies providing services (seller agencies) to finance the services by directly charging interagency projects funded by the agencies receiving the services (buyer agencies). This new budgeting process is necessitated by the new District Integrated Financial System which will replace the System of Accounting and Reporting.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Office of Budget and Planning as proposed by the Mayor.

Policy Recommendations

1. The Committee recommends that OBP work diligently with the Mayor and Council delays and errors in future budgets.
2. The Committee recommends that OBP work closely with the Council Budget Office in implementing the new DIFS financial management system and work to provide additional transparency in interagency project funding in the budget books.

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 which 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 and 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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	31,628	34,450	38,367	42,202	45,202	0
Operating FTEs	28.1	32.3	35.0	38.0	38.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2022 Operating Budget⁸

The 2023 budget proposal for the Commission on the Arts and Humanities (Commission) is \$45,202, an increase of \$6,835, or 17.8 percent, from the current fiscal year. The proposed budget supports 38 FTEs which represents an increase from 35 FTEs in the previous year.

Dedicated Taxes: The Mayor's proposed budget is \$44,399, an increase of \$6,876, or 18 percent, from the current fiscal year. The proposed budget supports 36.0 FTEs, an increase of 3, or 9 percent, from current fiscal year.

Federal Funds: The Mayor's proposed budget is \$803, which is an increase of \$42, or 5.5 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 2022 budget and agency performance over the last year.

Dedicated Funding: In 2019, the Council showed its commitment to the arts and humanities by creating a dedicated funding stream for the Commission. The Council directed 0.3

⁸ 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.

percent of the general sales tax revenue to the Commission. The committee report noted that “[a]dequate funding is the cornerstone of any public arts program, and the Council’s investment will help ensure that the [District] remains a vibrant and imaginative place to live, work, and visit.”⁹ This was a major change to provide more stability and support for the arts and humanities.

The FY23 budget maintains the dedicated taxes under D.C. Official Code §§ 47-2002(d) and 47-2202(b). These sections require that 0.3 percent of the District’s six percent retail sales tax be directed to the Commission on the Arts and Humanities pursuant to D.C. Official Code § 39-205.01.

Grants Funding Structure: Beginning the FY 2020 budget, Council approved restructuring the grantmaking programs and divisions within the Commission. The Council consolidated most of the Commission’s grant funding budget (CSG 50) and moved it to Program 2000 - Arts Building Communities (Program). Within the Program, the Council approved establishing four divisions to include the Facilities and Buildings Grantmaking division, the National Capital Arts Cohort division, the Arts and Humanities Cohort division, and the Humanities Grant Program. Under D.C. Official Code § 39-205(c-1), these divisions must receive 77% of the annual budget allocated to the Commission. Of that funding, 17% is for capital projects in support of the Arts and Humanities Cohort or the National Capital Arts Cohort, 50% is for grants to support the Arts and Humanities Cohort, 28% is for grants to support the National Capital Arts Cohort, and 5% is for the Humanities Grant Program.

Last year, the Committee worked with stakeholders to revise the structure to provide the Commission with additional funds to support all eligible arts organizations on a competitive basis. That restructuring eliminated the National Capital Arts Cohort and pooled the funding into a new General Operating Support Grantmaking program that would provide competitive operating grants to all eligible organization. The restricting also reduced the dedication to HumanitiesDC by 1 percentage point. The Committee is concerned that implementation of the new grant structure has resulted in significant reductions in grant funds to some of the District’s largest arts organizations that support and invest in the arts and artists across the District. The Committee recommends that the Commission work with stakeholders on future revisions to the grant allocation formula to ensure equity and take into account that many larger arts organizations also have an outsized positive impact on arts and artists across the District.

Transparency in Grantmaking: In Fiscal Years 2020 and 2021, some grant awardees had a connection to one or more Commissioners, or organizations that Commissioners work for. This is not problematic by itself. However, there should be formal policies regarding individuals and organizations seeking grant funds and any association they may have with Commissioners. The Committee recommends the Commission work with the Board of Ethics and Government Accountability to formalize a recusal policy for Commissioners that may be connected to potential grant awards, and any other relevant policies to ensure there is not an appearance of a conflict of interest.

⁹ Committee of the Whole, Report on Bill 22-754, the “Fiscal Year 2020 Local Budget Act of 2019”, 4, May 15, 2019.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 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.

Policy Recommendations

1. The Committee recommends the Commission work with stakeholders to communicate the status of implementation of the equity taskforce'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 stakeholders on future revisions to the grant allocation formula to ensure equity and take into account that many larger arts organizations also have an outsized positive impact on arts and artists across the District.
4. The Committee recommends the Commission work with the Board of Ethics and Government Accountability to formalize a recusal policy for Commissioners that may be connected to potential grant awards, and any other relevant policies to ensure there is not an appearance of a conflict of interest.

OFFICE OF PLANNING

I. AGENCY OVERVIEW

The mission of the Office of Planning (OP) is to guide 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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	13,893	11,941	17,620	17,227	15,577	(1,650)
Operating FTEs	74.0	74.0	80.0	83.0	83.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁰

The Fiscal Year 2023 budget proposal for the Office of Planning is \$17,227, a decrease of \$393 or 2.2 percent, from the current fiscal year. The proposed budget supports 83.0 FTEs, an increase of 3.0, or 3.8 percent, from the current fiscal year.

Local Funds: The Mayor's proposed budget is \$16,592, a decrease of \$372, or 2.2 percent, from the current fiscal year. The proposed budget supports 79.5 FTEs, an increase of 3.0 or 3.9 percent, from the current fiscal year.

Special Purpose Funds: The Mayor's proposed budget is \$100, which represents no change 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 \$535, a decrease of \$11, or 2.0 percent, from the previous fiscal year. The proposed budget supports 3.5 FTEs which represents no change from the previous fiscal year.

Private Grant Funds: The Mayor's proposed budget is \$0, a decrease of \$10, or 100 percent, from the previous fiscal year. The proposed budget supports no FTEs, which represents no change from the previous fiscal year.

¹⁰ 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 2023 budget and agency performance over the last year.

Planning Studies: the FY22 budget funded a number of planning initiatives, some of which will turn into or support small area plans, which are developed by engaging with neighborhoods to inform future land uses as contemplated by the Comprehensive Plan. The FY23 budget continues to support these planning efforts. The Committee recommends that OP work close with the Committee on any planning efforts requiring Council approval, including small area plans. When the Office of Planning works collaboratively with stakeholders in its work, it makes opposition at the Council level less likely, and the Committee looks forward to working with OP. In addition, the Committee has identified funds, working with the Committee on Transportation and the Environment, for a study on central food processing to be conducted by OP. More information on that initiative can be found in relation to subtitle COW-E later in this report.

Historic Preservation: The Mayor's proposed budget makes additional investments in historic preservation efforts at the Office of Planning. A notable addition is the inclusion of additional local dollars to support historic preservation programs and staff, which stabilizes the budget, especially for personal services. 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. 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. Last year, the Committee expanded the Historic Homeowner Grant Program to allow for 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. OP should continue to aggressively work with unit owners to get funds into the hands of residents or work with the building on alternatives.

Streets for People Grants: As part of the FY22 budget, the Committee approved several million dollars for both FY22 and FY23 that were available due to the federal American Rescue Plan Act which provided relief to jurisdictions across the country due to COVID-19. The Mayor's proposed FY23 budget includes \$2.725 million to support the Streets for People grants next year. When pressed about how these funds have and will be used, the Director stated that the funding supports technical assistance through 3.0 FTEs with regard to support in activating streets and alleys for community events, streateries, festivals, and the like. In addition, OP intends to grant out funds to local Business Improvement Districts to support events to revitalize neighborhoods, especially downtown. This is a laudable goal, and it is imperative that the District revitalize its downtown which has experienced a downturn in activation due to the pandemic. According to the Director, these funds will be granted for events from May to October 2022.

The proposed funding in the FY23 budget would support additional grants for next year. Given that these grants seem to primarily be used in warmer weather months, when areas can be

more active, it is safe to assume that FY23 grants would similarly support programming a year from now beginning in May of 2023. It is imperative that the District work now to reactive downtown. However, the Committee believes that there are also other pressing priorities that could be funded with these dollars and locking additional funds for grants that won't be disbursed for a year may not be the most efficient use of those funds. Thus, as described below, the Committee recommends repurposing \$1.65 million to support other vital investments that could be beneficial. In particular, the Committee proposes funding a Master Facilities Plan for schools, a history grant for an organization located in the heart of downtown, and additional funds for the University of the District of Columbia that can be leveraged to support our only public university in the heart of the Connecticut Avenue corridor where other planning efforts are underway.

IV. COMMITTEE RECOMMENDATIONS

The Committee on Transportation and the Environment transferred \$121,000 in one time and \$207,398 in recurring funds for two new positions, non-personal services funds, and a Central Food Facility Siting and Feasibility Study, which are part of the Food Policy Council contained in the budget for the Office of Planning

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Office of Planning as proposed by the Mayor with the following change:

1. Decrease Program/Activity DCRP, CSG 50 by \$1,650,000 (Local, One Time)¹¹
2. Increase Program/Activity 2000/2010, CSG 50 by \$300,000 (Local, One Time)¹²
3. Increase Program/Activity 7000/7010, CSG 41 by \$200,000 (Local, One Time)¹³
4. Increase Program/Activity 1000/1090, CSG 11 by \$170,418 (Local, Recurring)¹⁴
5. Increase Program/Activity 1000/1090, CSG 14 by \$36,980 (Local, Recurring)¹⁵
6. Increase Program/Activity 1000/1040, CSG 70 by \$6,000 (Local, One-Time)¹⁶

¹¹ Reduction to the Streets for People program.

¹² Grant for local DC History Organization.

¹³ Food Processing Facility Study.

¹⁴ Two new positions for the Food Policy Council: Community Engagement and Communications, Grade 12, and a Policy Analyst, Grade 12.

¹⁵ *Id.*

¹⁶ *Id.*

Policy Recommendations

1. The Committee recommends that OP provide the Committee a work plan for its upcoming studies, small area plans, and other planning work, especially for those items that require Council approval.
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.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	2,962	3,060	3,882	4,142	4,142	0
Operating FTEs	21.0	21.0	24.0	24.0	24.0	0
Capital Funds	93	260	186	192	192	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁷

The Fiscal Year 2023 budget proposal for the Office of Zoning is \$4,142, an increase of \$284, or 7.4 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 2021 budget and agency performance over the last year.

Racial Equity Analysis: The Comprehensive Plan Amendment Act of 2021 requires that the Zoning Commission examine zoning cases through a racial equity lens. In response to this, the Zoning Commission has asked the Office of Planning to include a racial equity analysis in its supporting materials furnished to the Commission. While this analysis is not performed by the Office of Zoning, the Office of Zoning nonetheless plays a role in supporting the Zoning Commission and the Board of Zoning Adjustment (BZA). According to the Director, OZ is working with the BZA to assess how a racial equity analysis can also inform BZA cases. The Committee recommends that OZ work with the BZA and stakeholders to ensure that appropriate racial equity considerations are taken into account in the BZA's work. Such tools will complement the other important initiatives of OZ including providing training for Commission and BZA members with regard to land use.

New Office Space: Over the last several years, the Committee has supported efforts to bring additional attorneys onto the payroll of the Office of Zoning. These attorneys ensure that the Zoning Commission and BZA can rely on objective advice, especially in zoning cases. Many of the attorneys were provided under a Memorandum of Agreement with the Office of the Attorney General in past budgets. However, the Committee has long recognized that this investment could create physical space constraints in OZ's office space at the Barry Building. The Mayor provided additional one-time funds to build out the space to accommodate the additional attorneys, taking the new realities of teleworking into account. The Committee recommends that OZ work with the Committee should issues arise in building out the space to ensure it is adequate for the agency's needs.

¹⁷ 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 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 operating budget for the Office of Zoning as proposed by the Mayor.

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee recommends adoption of the Fiscal Year 2023 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 with the BZA and stakeholders to ensure that appropriate racial equity considerations are taken into account in the BZA's work, and continue to work with the Zoning Commission to fully implement the requirements under the Comprehensive Plan.
3. The Committee recommends that OZ work with the Committee should issues arise in building out the space to ensure it is adequate for the agency's needs.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	10,700	11,528	11,588	12,100	12,100	0
Operating FTEs	0.0	0.0	0.0	0.0	0.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁸

The Fiscal Year 2023 budget proposal for the Public Charter School Board is \$12,100, an increase of \$512, or 4.4 percent, from the current fiscal year. The proposed budget supports no FTEs.

Local Funds: The Mayor's proposed budget is \$12,100, an increase of \$512, or 4.4 percent, over the current fiscal year. The proposed budget supports 0.0 FTEs, the same as the current fiscal year.

Federal Payments: The Mayor's proposed FY23 budget includes a reduction of -\$1,000 in Federal Payments to account for the removal of ARPA funding that was appropriate in FY22 to support lead testing.

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.

Board Appointments: The DC Public Charter School Board is an independent government agency of the District of Columbia led by a volunteer seven-member board. The Board provides oversight to 133 public charter schools that educate approximately 43,857 students from across the District with the expressed goal of ensuring that every student receives a high quality education.

¹⁸ 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.

In 2021, three members of the Public Charter School Board vacated their seats on the Board due to term expiration and/or personal reasons, leaving the Board with four active members at the start of the 2021-22 school year.

The District of Columbia School Reform Act requires DC 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 term.¹⁹ 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 DC 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.

Strategic Roadmap: Since the creation of public charter schools in the District in 1996, the public charter sector has grown rapidly. As the sole charter authorizing body in the District, the PCSB has continuously approved new charters year after year. Consequently, in 2019, the Deputy Mayor for Education (DME) sent a letter to the PCSB asking them to consider the underutilization of charter schools in determining whether to approve the new charter LEA applications before them.²⁰ Specifically, it was requested that the PCSB “focus on improving our existing schools as well as ensuring new school options are of the highest quality and meet identified community needs.”²¹

Last year, the PCSB made the decision to not approve any additional charter schools and to instead, resulting from feedback from elected leaders, families, and partners, shift its focus to key areas outlined in the recently developed DC PCSB Strategic Roadmap. The roadmap will guide PCSB’s work over the next three years to build excellent schools, enduring partnerships, and an overall effective organization. More specifically, the roadmap directs the PCSB to conduct annual needs assessments to identify gaps to inform new school and expansion planning and shift the charter application process to align with citywide need. This aligns with the expressed concern the Committee has heard from stakeholders regarding the need for PCSB to consider the number of empty seats in existing schools. PCSB is also responsible for piloting and implementing a new

¹⁹ District of Columbia School Reform Act (Public Charter Schools). Law 24-99 effective Mar. 15, 2022.

²⁰<https://dme.dc.gov/sites/default/files/dc/sites/dme/publication/attachments/School%20system%20capacity%20assessment%20new%20public%20charter%20applications%20FINAL%20051519.pdf>.

²¹ *Id.* at 2.

accountability framework and developing and implementing processes that authentically engages community stakeholders by 2024. As DC’s public charter school authorizing body, it is essential that the Board continues to work to eliminate the impact of racism and inequity on students in the District.

The Committee is supportive of the PCSB’s strategic roadmap and the strategic decision to halt approvals of new schools to focus more granularly on its mission and to strengthen its processes. The Committee continues to urge PCSB to consider both the types of schools needed in the District and the underutilization of existing school seats in both DCPS and public charter schools as part of its charter approval process.

IV. COMMITTEE RECOMMENDATIONS

Committee’s Recommended Fiscal Year 2023 Operating Budget

The Committee adoption of the Fiscal Year 2023 budget for the District of Columbia Public Charter Schools as proposed by the Mayor.

Policy Recommendations

1. The Committee recommends that PCSB considers the underutilization of existing school seats in both DCPS and public charter schools as part of its charter approval process and determine whether its approval process needs to be re-examined in light of these factors.
2. The Committee recommends that PCSB develops and consistently maintains a list of prospective candidates to nominate to the Board as seats come available.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	922,553	967,564	1,011,334	1,100,726	4,142	0
Operating FTEs	1.0	1.0	1.0	1.0	1.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget²²

The Fiscal Year 2023 budget proposal for the District's public charter schools is \$1,100,726, an increase of \$89,392, or 8.8 percent, from the current fiscal year. The proposed budget supports 1.0 FTE, no change from the current fiscal year.

Local Funds: The Mayor's proposed budget is \$1,100,726, an increase of \$89,392, or 8.8 percent, over the current fiscal year. The proposed budget supports 1.0 FTE, the same as 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.

UPSFF Increase: The Uniform Per Student Funding Formula (UPSFF) is a funding system that was established by D.C. Law 12-207, the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of

²² 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.

1998,”²³ and was designed to ensure that all local education agencies (LEA) in the District receive the same level of funding on a per-student basis, regardless of whether the LEA is the District of Columbia Public School (DCPS) system or a public charter school. The UPSFF is intended to cover all LEAs’ operational costs, including school-based instruction, student classroom support, utilities, administration, custodial services, and instructional support, such as curriculum and testing. The UPSFF establishes a foundational per-student amount, upon which weights, like adult, alternative, at-risk, and funding for students with special needs, are added to provide the total amount that each LEA receives for each of its enrolled students.

The Mayor’s proposed fiscal year 2023 budget provides for a UPSFF foundational level of \$12,419 per student – a 5.87 percent increase to the fiscal year 2022 UPSFF foundational base level of \$11,720 per student. The Committee welcomes this increase to the overall UPSFF, especially as schools needed additional resources to navigate the challenges that arose returning to in-person school and support student needs. These additional funds will enable LEAs to continue to maintain programming and supports put in place during the COVID-19 pandemic to better support students academic and social emotional needs. However, the Committee is disappointed to not see an increase in the UPSFF adult weight proposed in the Mayor’s FY23 budget.

UPSFF Adult Student Weight Increase: 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 school²⁴. 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.²⁵ 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 FY22, 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 FY23 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.”²⁶ Currently, there are ten public charter schools that serve and support adult students.

²³ See D.C. Law 12-207, effective March 26, 1999, codified at D.C. Code §§38-2901 *et seq.*

²⁴ [Academy of Hope Adult Public Charter School](#).

²⁵ Cost of Student Achievement: Report of the DC Education Adequacy Study Final Report. December 20, 2013.

²⁶ Testimony of Michelle Walker-Davis, Executive Director, DC Public Charter School Board, FY23 Budget Hearing, Committee of the Whole, March 30, 2022.

The Committee recommends that the Mayor increase the adult learner rate to 1.00 in the FY23 budget and encourages the Executive to continue investing in high-quality, unique programming that supports learners where they are on their academic journey.

Charter Facilities Allowance: Since 1999, public charter LEAs have received a per-student facilities allowance included in the UPSFF.²⁷ Charter schools cannot participate in the District’s Capital Improvement Plan (CIP) and do not receive building maintenance nor support for their facilities from the Department of General Services. Thus, the facilities allowance is meant to provide some parity between the charter sector and DCPS, which does receive dollars through the CIP to renovate and maintain their buildings.

Since fiscal year 2009, the allotment has been set as a dollar value that has generally gradually increased each fiscal year. When the allowance was last renewed as part of the fiscal year 2018 budget, a consistent 2.2% increase was added for fiscal years 2019, 2020, and 2021 (see Table B below). However, as shown in the table below, that renewal also ceased any increase after fiscal year 2021. Thus, as proposed by the Mayor, the per-student charter facility allowance will stay flat despite rising costs and inflation.

Fiscal Year	Per-Student Charter Facility Allowance
2018	\$3,193 ²⁸
2019	\$3,262
2020	\$3,333
2021	\$3,408
2022	\$3,408
2023	\$3,408

Source: D.C. Code §38-2908

At the performance and budget oversight hearings on the fiscal year 2023 budget for all education agencies, the DC Charter School Alliance (Alliance) along with other charter school leaders and advocates, testified before the Committee with the request to increase the allotment to 3.1% this fiscal year - or an additional that .9% before the Mayor’s proposal.

While the Committee does not include funding for an increased allotment at this time, it is committed to continuing conversations with the public charter school sector to determine an equitable and fair process for adequately funding public charter facility needs. However, the Committee does acknowledge that charter facility costs are rising and that charters do need a path forward to obtain a facility allowance that keeps up for inflation. Additionally, the Committee would be remiss if it did not acknowledge that the advocates attempted to reach a compromise with the Committee by agreeing to delay the 3.1 percent increase to the facility allowance until fiscal year 2023 and beyond and were disappointed that the Mayor did not include this increase in her budget.

²⁷ See Section 109 of D.C. Law 12-207, codified at D.C. Code §38-2908.

²⁸ This was the rate for the vast majority of public charter school students that did not live at school. Residential, or boarding, charter schools received a per-student facility allowance of \$8,621. See *id.*

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the District of Columbia Public Charter Schools as proposed by the Mayor.

Policy Recommendations

1. The Committee welcomes the increase to the overall Uniform Per Student Funding Formula.
2. The Committee is committed to continuing conversations with the public charter school sector to determine an equitable and fair process for adequately funding public charter facility needs.

DISTRICT OF COLUMBIA PUBLIC SCHOOLS (DCPS)

I. AGENCY OVERVIEW

The mission of the District of Columbia Public Schools ("DCPS") is to provide a world-class education that prepares all students, regardless of background or circumstance, for success in college, career, and life. 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 2020-2023

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	1,082,912	1,142,378	1,322,728	1,162,122	1,162,122	0
Operating FTEs	8,766.6	9,159.4	9,363.7	9,531.6	9,531.6	0
Capital Funds	391,483	354,976	288,042	437,697	437,697	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget²⁹

The Fiscal Year 2023 budget proposal for the District of Columbia Public Schools is \$1,162,122, a decrease of \$160,606 or 12.1 percent, from the current fiscal year. The proposed budget supports 9,531.6 FTEs, an increase of 167.9 FTEs, or 1.8 percent, from the current fiscal year.

Mayor's Proposed Fiscal Year 2023 Capital Budget

The Mayor's proposed capital budget for DCPS is \$2,464,285 over the 6-year plan. This includes \$437,697 for FY 2023. 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 2023 budget and agency performance over the last year.

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 2023 budget provides for a UPSFF foundational level of \$12,419 per student – a 5.87 percent increase to the fiscal year 2022 UPSFF foundational base level of \$11,720 per student. The Committee welcomes this increase to the overall UPSFF, especially as schools need the additional resources to navigate the challenges that will continue to arise returning to in-person learning and supporting student needs. These additional funds will enable LEAs to continue to maintain programming and supports put in place during the COVID-19 pandemic to better support students' academic and social emotional needs.

However, the Committee is disappointed to not see an increase in the UPSFF adult weight proposed in the Mayor's FY23 budget. Although the District boasts one of the highest percentages

²⁹ 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.

of residents with advanced degrees, one in five adults cannot read a newspaper, a map, or a complete job application; further, adults without a 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 school³⁰. 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 demographic³¹. While the majority of the recommendations in the 2013 study have been adopted, the increase of the adult weight has not yet been fulfilled.

The Committee heard extensive testimony during the FY23 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. DCPS did not express explicit support nor opposition to increasing the adult school weight. There are currently two DCPS campuses supporting adult students – Roosevelt STAY and Ballou STAY programs. The Committee recommends the Executive continue investing in high-quality, unique programming that supports learners where they are on their academic journey by increasing the UPSFF adult student weight to 1.00.

During the FY23 budget oversight hearing for the education agencies, many witnesses advocated for an increase to the at-risk weight of the UPSFF to bring the weight to .37. The 2013 DC Education Adequacy Study reflected the same request and recommended changes to the structure and level of foundation funding in the UPSFF as well as weightings for students with identified learning needs. According to EmpowerK12's report on "COVID-19's Impact on Student Achievement and Academic Growth in DC"³² students designated as at-risk lost five months of learning in math and four months of learning in reading, with this group falling significantly behind their peers.³³ Fewer at-risk students are on track for PARCC proficiency in grades 3-8 and early literacy proficiency declined for students in grades K-12. The Committee was hoping to see an increase to the at-risk weight in the Mayor's FY23 budget to better support our most vulnerable students. The Committee supports the 5.87 percent increase to the UPSFF foundation level and urges the Executive to continue prioritizing education in future budgets and adequately funding certain weights within the UPSFF as the need for more resources becomes apparent. The Committee does not recommend changes to the current UPSFF subtitle.

School level budgets: This year, DCPS, with the input of independent budget experts, updated their budget model to more acutely put the needs of students at the center of their budget decision making. The new model shifts resources to ensure schools can better align their funds to meet the individual needs of the students they serve. Funding is allocated in three ways: Enrollment, Targeted Support, and Stability. Within each of those groups funding is provided to schools in four different categories meant to provide greater transparency into the decision making

³⁰ [Academy of Hope Adult Public Charter School](#).

³¹ Cost of Student Achievement: Report of the DC Education Adequacy Study Final Report. December 20, 2013.

³² [COVID-19's Impact on Student Achievement and Academic Growth in DC](#), November 2021.

³³ <https://static1.squarespace.com/static/5f9857f027d55d2170cd92ac/t/5fdacf6433c6977cf5a9fb4e/1608175462658/EK12+DC+Student+Achievement+COVID+Slide+Deck.pdf>

for school level budgets. The updated model combines the prior staff-based funding model and a student-based funding model to give schools flexibility to provide learning opportunities aligned to their students needs. These funds are based on enrollment. In addition to student-based dollars, the updated model includes not only funding based on staff and faculty counts to ensure that essential services are resourced to schools that need these staff the most, but also funding for supplemental program grants specific to schools' needs. DCPS notes that a key program grant that DCPS schools will receive is for at-risk student populations, which is highlighted as a separate item/payment on the school level budget worksheets found on the DCPS school budgets. Finally, DCPS adds stability funding, if needed, to schools' budgets to protect schools from the impact of fluctuating enrollment and to comply with the Districts school stabilization law.

Over the past several years, once DCPS has publicized the initial budgets for each of its 116 schools ahead of the release of the Mayor's budget, the Committee hears from school communities across all wards that their budgets are being curtailed significantly, and schools are feeling forced to reduce critical staff and programs to accommodate the budget cuts. While this year's initial school budgets were intended to demonstrate DCPS' commitment to stability for schools, the Committee heard from several advocates and stakeholders that schools were indeed losing funds based on program shifts and other factors. The Committee was discouraged to realize that, again, instead of school budgets remaining stable or increasing year over year, some schools saw a decrease in their funding in another critical year for students following the pandemic.

Schools need more resources and as their needs increase, funding should follow. The Committee and many advocates for schools and students believe that DCPS must adopt a "hold harmless" approach to school-level budgeting that starts with a minimum funding amount equivalent to last year's funding levels. However, the Committee introduced Bill 24-570, the "Schools First in Budgeting Amendment Act of 2021" that would revise the school budgeting process for DCPS by budgeting the local schools first based on the schools' previous year budget, with the remainder to be allocated between central administration and school support. The primary purpose of the bill is to promote true stability in our local schools. The approach is prescriptive, setting forth in the law a calculation to be followed to leave little room for interpretations that, year after year, some schools experience budget cuts. The bill also promotes transparency by making the calculation for each school a public record and every parent and stakeholder will see exactly how their school budget was set.

While the Committee appreciates the fact that DCPS is moving closer to transparency with their new model, the Committee looks forward to working with DCPS leadership and key stakeholders to advance equity and achievement and safeguard school budgets. With increased stability, school leaders can have confidence that they will be able to meet the unique needs of their school community year over year and maintain their school specific priorities.

Digital Equity: Technology equity seems to remain an issue in the Districts schools. The Committee has heard from school leaders and school staff that many schools have not yet achieved the 1:1 device-to-student ratio, despite DCPS reporting the goal of the Empowered Learners Initiative (ELi) had been achieved and all students in grades 3-12 have equitable access to technology. Many DCPS schools started the 2021-22 school year without adequate devices and

classroom technology or with broken or ineffective smart boards and other classroom technology. While there are no explicit details in the Mayors FY23 budget regarding technology funding, apart from the funding that exists for smart board repairs and replacements, the Committee is currently working across Council to require the development of a long-term technology plan with accountability measures to ensure the plan is implemented with fidelity.

Nutrition Education: Nutrition education is a vital part of a comprehensive health education program in schools and empowers children with knowledge and skills to make healthy food and beverage choices. Including credible nutrition education curriculum as part of classroom instruction can go a long way in providing the foundation and tools students need to support good health while also benefiting teachers and whole communities.³⁴ DCPS has previously funded partnerships with organizations whose programming integrates gardening, cooking, and nutrition education into curriculum with a goal of improving health outcomes of children and families. However, funding for the program was initially not included in the FY22 budget submission due to DCPS's decision to no longer fund this type of programming. According to testimony, DCPS felt as though the organization, FoodPRINTS, was overly reliant on District funding and encouraged FoodPRINTS to raise external funds to demonstrate the programs' sustainability. However, the Committee heard extensive testimony from school staff, families, and students about how impactful the program is for school communities, and in FY22, the Council found unspent monies in the DCPS budget to fund FoodPRINTS since the program funding was not included in DCPS's FY22 budget nor the Mayor's FY23 Budget submission.

FoodPRINTS programming, as demonstrated by public testimony and Council support, is a popular program in schools and the Committee was dismayed to see that continued funding was not included in the Mayor's FY23 budget proposal. The Council believes that the work of engaging students while providing important information on equitable food access is critically important and urges the Executive to work collaboratively with the organization to find a sustainable path forward.

School Based Mental Health: The need for mental health supports for students and educators remains great. Schools are still not able to provide appropriate mental health supports nor services to help students with the challenges they face both inside and outside the school, especially amidst the COVID-19 pandemic. The Committee believes that it is imperative to address the mental health needs among our students and educators to better support the academic and social needs of all students. The Committee knows that more work needs to be done when it comes to school based mental health services and there are additional resources needed to increase the pay and incentives for school-based mental health providers. Looking ahead, the Committee will continue to work with the the Deputy Mayor of Education (DME), DCPS, the public charter schools, the Department of Behavioral Health, the Council Committee on Health, and advocates to continue to find ways to enhance school-based mental health services. The Committee also looks forward to working with partners to analyze the current needs around school-based mental health.

³⁴ Robertson, Trina. Nutrition Education in Schools Supports Health. October 4, 2021.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the District of Columbia Public Schools operating budget as proposed by the Mayor.

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee on the Judiciary and Public Safety transferred \$1.5 million for Peabody Playground Modernization. In addition, the Committee on Recreation, Libraries, and Youth Affairs transferred \$250,000 for Johnson Middle School Repairs.

The Committee recommends adoption of the Fiscal Year 2023 budget for the District of Columbia Public Schools operating budget as proposed by the Mayor with the following changes:

1. Increase of \$1,500,000 in FY24 for schoolyard upgrades, including new play equipment, seating, shade structures, signage, and hardscaping at Peabody Elementary School. SK1PBC (Peabody Playground Modernization)
2. Increase of \$250,000 in FY23 for school repairs. JOH37C (Johnson Middle School Repairs)

Policy Recommendations

1. The Committee supports the 5.87 percent increase to the UPSFF foundation level and urges the Executive to continue prioritizing education in future budgets and consider adequately funding weights within the UPSFF.
2. The Committee supports the additional funds provided to DCPS schools to stabilize schools' funding, and recommends the Executive ensure that, beginning next year, schools no longer suffer budget cuts year over year unless there are significant reductions in enrollment or student populations.
3. The Committee recommends the Executive continue investing in high-quality, unique programming that supports learners where they are on their academic journey by increasing the UPSFF adult student weight to 1.00.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	1,249	1,079	1,270	1,292	1,292	0
Operating FTEs	6.2	5.8	7.0	7.0	7.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget³⁵

The Fiscal Year 2023 budget proposal for the District of Columbia State Athletics Commission is \$1,292, an increase of \$22, or 1.9 percent, from the current fiscal year. The proposed budget supports 7.0 FTEs, 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.

³⁵ 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.

Expanded Offerings and Strategic Planning: In FY22, DCSAC sought to expand its competitive sports offerings to include swimming, golf, lacrosse, and wrestling. In his written testimony for the FY23 Budget Oversight hearing, Executive Director Kenneth Owens highlighted the District’s first-ever high school state championship in swimming and diving, first-ever high school wrestling state championship, and the possible first-ever state championships for golf and lacrosse. Given the effect the pandemic has had on student athletes, the Committee commends the DCSAC for its exemplary delivery of athletic programming for DC students as we work toward a return to normalcy.

The Committee recognizes the importance of athletic programming as part of a larger tapestry of extracurricular offerings that keeps students engaged with mentors and peers across the District. Further, coaches serve as critical observers of student-athletes’ mental health and academic performance, connecting them to professional mental health resources and in-school academic and tutor offerings that students might otherwise eschew. As such, the Committee encourages the DCSAC and the DCSAA to continue its commitment to flexible programming for students while building an internal infrastructure for data collection and review vis-à-vis formalized KPIs. Student participation in athletic programming has a direct correlation between increased academic performance, lower truancy rates, and increased graduation rates. The Committee believes we can better understand these connections and, in turn, develop more robust programming relevant to student-athletes in the District as a result of enhanced data-driven initiatives.

The Committee supports the DCSAC’s efforts to continue to provide competitive sports options to the students of the District and looks forward to supporting DCSAC as they continue on through, hopefully, a normal return to school.

IV. COMMITTEE RECOMMENDATIONS

Committee’s Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the District of Columbia State Athletics Committee as proposed by the Mayor with the following change:

1. Increase Program/Activity A100/A101, CSG 40 by \$50,000 (Local, One Time)³⁶

Policy Recommendations

1. The Committee recommends the DCSAC resume pre-pandemic discussions on student athlete KPIs.

³⁶ Increase to support costs associated with hosting athletic tournaments, including: temporary rent, security, and awards for participants.

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 NPT program 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 Individual with Disabilities Education Act (IDEA). NPT funds a variety of required specialized services, including instruction, related services, educational evaluations, and other supports and services provided by day and residential public and nonpublic special education schools and programs. Additionally, the NPT program funds students with disabilities, who are District residents placed by the District's Child and Family Services Agency (CFSA) into foster homes and attending public schools in those jurisdictions.

**Table GN-A: Non-Public Tuition
Total Funds Budget FY 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	60,059	59,195	59,454	59,070	59,070	0
Operating FTEs	16.6	14.8	18.0	18.0	18.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget³⁷

The Fiscal Year 2023 budget proposal for Non-Public Tuition is \$59,069,776, a decrease of \$384,719, or 0.6 percent, from the current fiscal year. The proposed budget supports 18.0 FTEs, representing no change from the current fiscal year.

³⁷ 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.

Local Funds: The Mayor’s proposed budget is \$58,470, an increase of \$15,000, or 0.0 percent, from the current fiscal year. The proposed budget supports 18.0 FTEs, the same as the current fiscal year.

Federal Grant Funds: The Mayor’s proposed budget is \$600, an increase of \$600,000 over the current fiscal year. The proposed budget supports no FTEs.

Intra-District Funds: The Mayor’s proposed budget is \$1,000, which represents no change 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 2023 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.

**Table B: Non-Public Tuition Students;
Actual Total Students Enrolled FY 2017-2022**

	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022
Actual Total	1,228	1,048	1,237	880	816	768

Source: See footnote.³⁸

Since Fiscal Year 2017, the number of NPT students has decreased dramatically, from 1,228 to 768 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 2023 budget is decreasing.

The Committee is pleased to see that the number of students attending non-public institution is trending downward. The District’s LEAs should provide all of our students, regardless of their needs, with a free, appropriate public education. Thus, the Committee will continue to monitor the number of students attending non-public institutions. Additionally, the

³⁸ *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.

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 2023 is slightly below the approved Fiscal Year 2022 budget, the funding for full-time equivalent (FTE) staff members dedicated to NPT remains constant. Under the Mayor's proposed budget, there will be the same number of FTE employees for the following fiscal year as there were for this fiscal year, 18. 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 maintain 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 in the NPT program and attending non-public institutions, the Committee does recommend 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 in the law, so the Council and filed several emergencies to address this lapse. On December 15, 2021, the Committee held a hearing for permanent legislation and is keen to see it move through the legislative process.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	16,963	21,702	49,158	49,172	49,728	556
Operating FTEs	31.2	36.0	47.0	46.1	45.1	(1.0)
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR’S PROPOSED BUDGET

Mayor’s Proposed Fiscal Year 2023 Operating Budget³⁹

³⁹ 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.

The Fiscal Year 2023 budget proposal for the Office of the Deputy Mayor of Education is \$49,172, an increase of \$15, or 0.0 percent, from the current fiscal year. The proposed budget supports 46.1 FTEs, decrease of 2.0 FTEs from FY22.

Local Funds: The Mayor's proposed budget is \$25,627, an increase of \$290, or 1.1 percent, from the current fiscal year. The proposed budget supports 40.4 FTEs, an increase of 4.0 or 11.1 percent, from the current fiscal year.

Federal Payments: The Mayor's proposed budget is \$24,431, an increase of \$1,245, or 5.6 percent, from the current fiscal year. The proposed budget supports 6.0 FTEs, a decrease of 1.0, or 14.3 percent, from the current fiscal year.

Private Donations: The Mayor's proposed budget is \$115, 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.

Out of School Time (OST) Commission: The Out of School Time (OST) Commission is a public body composed of engaged residents and representatives from government agencies to support equitable access to high-quality OST programs for District of Columbia youth. Through coordination among government agencies, targeted grant-making, data collection and evaluation, and the provision of training, capacity building and technical assistance to OST providers, the Commission provides resources and support to ensure a citywide system of high-quality OST programs. As schools begin to return to normal and the effects of the pandemic on our students' academic progress and emotional health come into clearer focus, equitable access to quality OST programming will be ever more essential.

Throughout the public health crisis, OST programming has proven to be a lodestar for many youths, providing essential academic and social enrichment activities outside of the traditional school hours. Moreover, OST providers were nimble in their service delivery and worked to ensure that students could receive their services even in a virtual posture. One provider, DC Strings, even delivered instruments to the homes of youth enrolled in their programming to provide continuity of services. These kinds of organizations are buttressing our education system and opening important learning and enrichment pathways for our students. As such, the Committee is pleased to see that the additional \$5 million in OST funding the Council placed in last year's budget has been continued in the FY23 budget. It should be noted, however, that this funding is listed as a "one-time enhancement," and the Committee recommends that this funding be made recurring.

Additionally, the Committee is concerned about the lack of coordination and strategy development within the DME around OST programming and payment delivery. During the FY23 Performance and Budget Oversight Hearings along with individual meetings with various Councilmembers, service providers are reporting significant delays in grant repayment. In some cases, programming ended before service providers received even a grant agreement from the DME, and organizations are exposing themselves to great financial risk in large part because of the inability of the DME to successfully construct, implement, and execute a grant program. OST program providers have cited the lack of an Executive Director and proper internal monitoring and control mechanisms as the root of this issue.

The Committee has queried the DME on plans to hire and onboard a new Executive Director to spearhead OST programming. While the DME is currently reviewing applications and interviewing candidates, the Committee encourages the DME to ensure a new Executive Director is onboarded before the start of summer, so they can begin working with service providers to understand the diverse landscape of District programming for youth to inform a new strategic plan for the OST office. It is also the hope of this Committee that the new executive director will undertake a process improvement plan for grant processing and payment that increases transparency for service providers and ensures on-time payment for their service to District youth.

The Committee supports the funds in the Mayor's FY23 budget to support the OST program and the District youth. However, the DME must work to ensure that these funds are provided to OST program providers efficiently.

Truancy and Attendance: Truancy and chronic absenteeism are recalcitrant problems in our DC public schools. Over the past few years, millions in resources and programming have been spent to try and move the needle on these issues, yet attendance rates among DC youth have continued to rise in both DCPS and public charter schools. Moreover, the pandemic required a suspension of rigorous attendance standards set forth by the U.S. Department of Education, giving the Office of the State Superintendent (OSSE) wide latitude and flexibility in working with LEAs on temporarily amending their attendance policies. The Council also passed emergency legislation to waive certain attendance policies and ensure that absences related to a COVID-19 illness were marked as excused.⁴⁰ This resulted in schools not having to report daily attendance feeds to OSSE, making it difficult, if impossible, to track truancy and chronic absenteeism during distance learning.

Beneath these extraordinary circumstances, however, is an existing attendance policy—the 80/20 rule⁴¹—of which many educators and advocates had longstanding critiques: the policy was too rigid, it did not consider class scheduling or LEA's instructional design, too few exceptions were granted for excused absences, the administrative burden on LEAs was too great, following-up on chronic absenteeism by either the LEA or DC's Child and Family Services Agency (CFSA)

⁴⁰ <https://lms.dccouncil.us/Legislation/B24-0413>

⁴¹ Under the 80/20 rule, for a student to be considered present they must be physically in attendance at scheduled periods of instruction at the educational institution in which they are enrolled for at least 80 percent of the full instructional day, or in attendance at a school-approved activity that constitutes part of the school program for that student. Students who are not present for 80 percent or more of the day are considered absent.

was infrequent, etc. And while the original legislation was enacted with the understanding that truancy is both an educational issue and a criminal justice one, the inflexibility of this policy and the ardor around its potential change, as heard in a hearing by the Committee of the Whole on March 11, 2022⁴², the Committee is interested in seeing an end to this policy. Indeed, Dr. Christina Grant, State Superintendent, stated that OSSE would make a change to the attendance policy and enact it before the start of SY22-23, pending the State Board of Education's approval.⁴³ The Committee of the Whole is committed to working with OSSE and the State Board of Education to promulgate a new attendance rule that will ease this burden.

While OSSE works to create new standards that are more compatible with the District's academic and social environment, the Committee remains highly concerned about truancy and chronic absenteeism. The pandemic has had a deleterious effect on what little progress has been made, and as we look toward a return to a normal school year, our education system will need to grapple with this problem anew. From data collection by teachers and administrators to reimagining student engagement that creates social environments in both schools and classrooms that students *want* to opt into, LEA initiatives and administrative tasks aimed at solving these issues will continue to dominate the academic landscape.

As the DME has stated that attendance is a multifaceted problem that requires cross-government coordination, the Committee is apprehensive about the implementation of such a cross-sectoral approach. The DME has only one FTE specifically focused on attendance, and while there are technological tools funded in this year's budget—Every Day Labs and KInvolved—the Committee is unclear how data from these tools are being used to drive strategy. OST programming and funding through the Department of Parks and Recreation and a myriad of other programs aimed at addressing factors known to drive absenteeism are surely positive signs. Disparate and fractured funding in singular programs across multiple agencies, however, does not equate to a comprehensive and systematic policy approach to ensuring students are in school.

The Committee urges the DME, OSSE, DPR, CFSA, and LEAs to develop a broader and more detailed multisectoral strategy to address chronic absenteeism and truancy before the start of school year 22-23.

School Planning and Community Engagement: One of the most important functions of the local government is the provision of free public education to all students. In turn, schools have a vaunted and revered place within their neighborhoods. As such, the school planning process—where a school is located, when a school is modernized, when a school is closed—is an intensely political and personal process that can stymie and overtake other important education conversations.

⁴² On March 11, 2022, the Committee of the Whole held a public hearing on [B24-042 “School Attendance Amendment Act of 2021”](#) which covered these issues in detail.

⁴³ As of April 14, 2022, the Committee has received an update from the State Board of Education that conversations are underway and OSSE is seeking to present the SBOE with draft regulations in May. The regulations will cover both the shift in attendance policy and guidance on virtual attendance.

The Committee has heard from many concerned parents and stakeholders across the District on a range of school planning issues, including: the colocation of Roosevelt High School and Roosevelt STAY; the overcrowding in the Jackson-Reed High School feeder pattern; a new Foxhall Elementary School located in ward 3; a new high school on MacArthur Boulevard; the newly proposed Center City Middle School⁴⁴; or the announcement about repurposing the Winston campus into a preeminent science campus, and many others. Particularly, overcrowding in the ward 3 feeder pattern has been a consistent issue requiring intervention and better planning of schools. The new high school located on MacArthur Boulevard was included in the FY22-27 Capital Improvement Plan to help alleviate the extreme overcrowding experienced at Jackson-Reed High School. However, when plans for the new high school were announced, the Committee was surprised to realize that the new school would be designated as a citywide school and would accommodate only 500 in-boundary students in addition to 500 citywide seats. With only 500 in-boundary seats, the school will be slow to alleviate overcrowding at Jackson-Reed, thus delaying the relief that many Jackson-Reed students and families would like to experience. With more consistent and targeted school planning, school communities can have confidence that school in-person schools remain safe and suitable for the number of students it educates. School communities have been asking for increased engagement in the school planning process and more transparency into facilities and planning decisions.

The Committee understands how difficult these decisions are and how working through these complexities, including an earnest community engagement effort, can be. Nevertheless, the Committee believes it to be the responsibility of the DME to navigate these intricacies and reach solutions that services a particular community and its residents. To that end, the DME has included a request for \$245,000 (inclusive of personnel and non-personnel costs) to recruit, onboard, and retain a Community Outreach Analyst. The Committee is concerned about the expectations placed upon one FTE. Indeed, community engagement is the responsibility of the entire office and should already be threaded through each employee's workstream and not simply relegated to the function of one new incoming employee. The Committee recommends these funds be removed and urges the DME to develop an authentic community engagement plan that creates credible connections to the communities they serve. Further, the Mayor has explicit offices dedicated to community engagement: the Mayor's Office of Community Relations and Services (MOCRS) and the Mayor's Office of Community Affairs (MOCA). The Committee recommends the DME connect more deeply with these offices to alleviate these community relations issues.

Uniform Per Student 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. Within

⁴⁴ On Thursday March 10, 2022, the Committee of the Whole held [a public roundtable](#) on the status of a DCPS middle school in Center City.

this formula approach to funding, any type of policy decision that needs to occur with respect to one specific group of students must be done through a revision of the formula and then recalculated.

The DME commissioned an adequacy study in 2013 to reassess the structure and level of foundation funding for the UPSFF, and while most of the adequacy study recommendations have been adopted, one recommendation that has not yet been fulfilled is the weight given to adult learners. In the District, 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 5 times more likely to drop out of school. This disproportionate weight leaves many adult learners enrolled in DCPS and charter schools at a disadvantage and not adequately resourced to ensure they are receiving the appropriate services for the demographic.

The Committee heard extensive testimony during the FY23 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.

Grade Level	FY14 UPSFF Weight	FY15 Adequacy Study Recommendation	FY23 UPSFF Weight
Alternative	1.17	1.73	1.52
Adult	0.75	1.00	0.89

Source: Office of the Deputy Mayor in BOH Follow-Up

The Committee recommends adjusting the adult learner weight to the 2013 adequacy study recommendation.

Updated Youth Vaccination Plan: Through the public health crisis over the past two years, DCPS, PCSB, DME, and the Mayor's Office moved swiftly to navigate students and parents through a virtual learning posture and an uncertain return to school. However, as schools wind down this year and look toward fall 2022, all education agencies must begin planning for a return to school and a student vaccination protocol.

On March 2, 2022, permanent legislation was enacted that mandates eligible students to be fully vaccinated by a fully U.S. Food and Drug Administration (FDA) approved COVID-19 immunization, although enforcement of this requirement will not begin until the first day of school year 2022-2023.⁴⁵ The Committee recommends that OSSE, DC Health, the DME, and all LEAs begin to coordinate on a citywide campaign to increase youth vaccination rate before the start of the school year. Further, the Committee recommends the DME update its Youth Vaccination Plan and incorporate a new return-to-school section for the fall. The Committee will be holding a hearing on the progress of this initiative over the summer.

⁴⁵ D.C. Law 24-85; 69 DCR 2029; <https://osse.dc.gov/page/district-columbia-immunization-attendance-policy>.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Office of the Deputy Mayor for Education as proposed by the Mayor with the following changes:

1. Decrease of 1.0 FTE Program/Activity 2000/2010, CSG 11 by \$98,930 (Local, Recurring)⁴⁶
2. Decrease Program/Activity 2000/2010, CSG 14 by \$20,281 (Local, Recurring)⁴⁷
3. Decrease Program/Activity 2000/2010, CSG 41 by \$125,000 (Local, Recurring)⁴⁸
4. Increase Program/Activity 2000/2010, CSG 41 by \$800,000 (Local, One Time)⁴⁹

Policy Recommendations

1. The Committee recommends developing a new grants payments process in consultation with OST service providers once the new executive director is installed to ensure that grant agreements and reimbursements are executed promptly.
2. The Committee highly urges the DME in partnership with other agencies to formulate a comprehensive approach to chronic absenteeism and truancy.
3. The Committee encourages the DME to develop a community engagement strategy with current resources that effectively works with school communities around school planning.

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

⁴⁶ Elimination of Mayor's enhancement of a position and NPS for Community Engagement (Position 10012171)

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Increase to implement the Master Facilities Plan contained in Bill 24-1 (Comprehensive Plan)

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	457,124	487,994	742,669	1,061,502	1,061,502	0
Operating FTEs	459.5	480.3	476.0	882.2	882.2	0
Capital Funds	17	2,407	5,228	9,663	9,663	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget⁵⁰

The Fiscal Year 2023 budget proposal for the Office of the State Superintendent of Education is \$1,061,502, an increase of \$318,883, or 42.9 percent, from the current fiscal year. The proposed budget supports 882.2 FTEs, an increase of 406.2 FTEs, or 85.3 percent, over the fiscal year.⁵¹ 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 \$267,813 million, an increase of \$38,584, or 16.8 percent, from the current fiscal year. The proposed budget supports 333.6 FTEs, an increase of 32.8, or 10.9 percent, from the current fiscal year.

⁵⁰ 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.

⁵¹ Beginning in fiscal year 2023, employees at other District agencies who are funded out of OSSE's budget are reflected in OSSE's FTE count (e.g., Title I-funded teachers at District of Columbia Public Schools).

Dedicated Taxes: The Mayor’s proposed budget is \$5,615, a decrease of \$15, or 0.3 percent, from the current fiscal year. The proposed budget supports 24.8 FTEs, an increase of 4.4 FTEs, or 21.3 percent, from the current fiscal year.

Special Purpose Revenue Funds: The Mayor’s proposed budget is \$1,610, a decrease of \$13, or 0.8 percent, from the current fiscal year. The proposed budget supports 5.5 FTEs, no change from the current fiscal year.

Federal Payments: The Mayor’s proposed budget is \$80,560, a decrease of \$17,797, or 18.1 percent, from the current fiscal year. The proposed budget supports 24.7 FTEs, an increase of 0.4 FTEs, or 1.6 percent, from the current fiscal year.

Federal Grant Funds: The Mayor’s proposed budget is \$705,683, an increase of \$337,752, or 91.8 percent, from the current fiscal year. A substantial portion of this increase is attributable to direct grants received by OSSE under the American Rescue Plan Act (ARPA) that were unaccounted for in the approved fiscal year 2022 budget. The proposed budget also supports 492.62 FTEs, an increase of 373.12 FTEs, or 312.2 percent, from the current fiscal year. Per footnote 2, most of this increase is attributable to the new interagency budgeting process.

Private Grant Funds: The Mayor’s proposed budget is \$221, an increase of \$74, or 50.3 percent, from the current fiscal year. The proposed budget supports 1.0 FTEs, no change over the current fiscal year.

Intra-District Funds: The Mayor’s proposed budget is \$0, a decrease of \$39,714 million, or 100 percent, from the current fiscal year. The proposed budget supports no FTEs, a decrease of 4.4, or 100 percent, from the current fiscal year. This adjustment is attributable to the new interagency budgeting process.

Mayor’s Proposed Fiscal Year 2023 Capital Budget

The Mayor’s proposed capital improvements plan includes \$9,663 over the 6 year financial plan. The funds are budgeted in FY2023.

III. COMMITTEE COMMENTARY

The Committee provides the following commentary and concerns in relation to the proposed fiscal year 2022 budget and agency performance over the last year.

Childcare: Since 2007, OSSE has been responsible for the oversight of the childcare sector in the District.⁵² 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

⁵² See D.C. Law 17-9, the “District of Columbia Public Education Reform Amendment Act of 2007.

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. However, the COVID-19 pandemic brought new challenges to child development facilities, mainly just remaining open and safe. In fiscal year 2022, OSSE disseminated over \$25 million in emergency federal childcare-related relief funds.⁵³ This amount was in addition to \$68 million in additional federal COVID-19-related relief funds and \$35.8 million for childcare subsidy. Still, the childcare advocacy community sought an additional \$60 million in local, recurring funds to be added to the fiscal year 2022 budget for ECE sector pay parity, as required by D.C. Law 22-179, the "Birth to Three for All DC Act of 2018."⁵⁴

The Birth-to-Three for All DC Act of 2018, requires the Office of the State Superintendent of Education ("OSSE") to develop an updated compensation scale for child-development facilities to achieve compensation parity with elementary school teachers employed by the District of Columbia Public Schools ("DCPS"), considering teacher roles, credentials, and experience.⁵⁵ To date, OSSE has not developed the salary scale nor completed an updated cost of care analysis, both of which are called for in the law before pay parity scaling begins. 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").⁵⁶ There are fourteen Task Force members, each of whom brought the perspectives of their respective networks of interested stakeholders. The Task Force is charged with proposing an employee compensation scale for early childhood-development providers and recommending a permanent system to implement a new employee compensation scale.⁵⁷

The Task Force has since commenced its work and released two reports. The first report recommended a "direct-to-educator" short-term mechanism that would quickly disburse fiscal year 2022 funds to eligible educators.⁵⁸ Further, 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.⁵⁹ OSSE is moving expeditiously with this process to get funds out to educators in the spring of 2022.⁶⁰ The final report contemplates long-term funding mechanisms to sustain the Fund's

⁵³ The District has received: \$6 million in Child Care and Development Block Grant (CCDBG) Coronavirus Aid, Relief, and Economic Security (CARES) Act funding; \$16.7 million in CCDBG and \$2.5 million in Governor's Emergency Education Relief Fund II from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) funding; and \$24.9 million CCDBG funds and \$39.8 million in childcare stabilization grants, both from the American Rescue Plan (ARPA).

⁵⁴ D.C. Law 22-179; D.C. Official Code § 4-410.01.

⁵⁵ *Id.*

⁵⁶ D.C. Law 24-45; 68 DCR 12567.

⁵⁷ *Id.*

⁵⁸ <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)

⁵⁹ *Id.*

⁶⁰ D.C. Law 24-311; 69 DCR 47.

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.⁶¹ It also includes priorities for accountability and oversight, and anticipated program and administrative costs for the long-term mechanism. In addition, the report identifies potential risks and unintended consequences, along with potential mitigation strategies.⁶²

Despite OSSE’s involvement and full access to all Task Force meetings and materials, none of the Task Force recommendations were included in the Mayor’s proposed fiscal year 2023 budget. The Committee remains engaged with OSSE while it constructs this permanent mechanism, as the Task Force suggested.

District Recovery Plan: The proposed fiscal year 2023 budget provides one-time funding of \$114,908,000 and 7 FTEs for the “District Recovery Plan.” On March 25, 2022, OSSE held a fiscal year 23 budget overview forum where they shared the below chart, a further breakdown in this one-time funding.

**Table GD-B: Office of the State Superintendent of Education
ARPA Local Revenue Replacement and Federal Enhancements for FY23⁶³**

Project Name	Amount
High-Impact Tutoring	\$14,754,000
School Based Mental Health: Evidence-Based Curricula	\$25,000
Support Students in Crisis	\$250,000
College Rising	\$1,547,532
DC Futures: Tuition Assistance	\$12,250,966
Reimagining DC High School	\$7,989,000
Child Care Worker Fund: Scholarships	\$1,000,000
Child Care Worker Fund: Incentives Pilot	\$3,000,000
Child Care Subsidy Payments	\$53,286,401
Access to Quality Grant	\$5,000,000
Back to Work Child Care Grants	\$15,805,251

The Committee suggests OSSE implore effective oversight and provide greater transparency on how OSSE and its subgrantees are utilizing these recovery funds, the amount

⁶¹ <https://lims.dccouncil.us/downloads/LIMS/49122/Introduction/RC24-0154-Introduction.pdf>

⁶² *Id.*

⁶³ FY23 Public Budget Forum Deck. March 25, 2022.

spent, and the outcomes achieved or not achieved in fiscal years 2023 – 2024. 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.

Testing for Learning Loss: In March 2020, due to the COVID-19 pandemic, the District’s public education students transitioned 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.

Accurate data points are still unavailable to calculate the total learning loss incurred by District students. While this committee has previously received public feedback that students were under too much testing pressure prior to almost two years of distance learning, those data points do provide a valuable “pre-pandemic” measurement so-to-speak of students’ needs as we return to full in-person learning.⁶⁴ Only 4 percent of students who are both at-risk and students with disabilities performed on grade level on the 2019 English Language Arts (ELA) statewide assessment.⁶⁵ OSSE plans to resume all testing this spring. The table below represents the various tests along with the respective testing dates.⁶⁶

**Table GD-C: Office of the State Superintendent of Education
2021-22 Statewide Test Windows**

Assessment	2021-22 School Year Statewide Test Window
NAEP (selected schools only)	Jan. 24 – March 4, 2022
ACCESS for ELLs 2.0/Alternate ACCESS	Feb. 14 – March 25, 2022
MSAA/DLM	March 14 – April 29, 2022*
PARCC/DC Science	April 4 – May 27, 2022* (April 4 – May 20, 2022; paper accommodation window)

*includes a week for spring break

The Committee is keen to analyze these results to determine the exact needs for our students going forward, as it is very likely that the learning loss suffered during the pandemic will be worse than predicted.

⁶⁴ According to a study done in fall 2020 by EmpowerK12, District students have lost four months of learning in math and one month of learning in reading. Further, at-risk students are estimated to have lost five months of learning in math and four months of learning in reading, and students with special needs have suffered six months of learning loss in math; See <https://www.empowerk12.org/research-source/covid-impact-achievement-dc>.

⁶⁵ https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/SWD%20Landscape%20Analysis%2010.10.19.pdf

⁶⁶ https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2021-22%20OSSE%20Assessments%20Participation%20and%20Performance%20Policy_FINAL.pdf

Asymptomatic Testing: Widespread testing of asymptomatic individuals is critical to prevent transmission and school-wide outbreaks of the COVID-19 virus. On October 4, 2021, this Committee introduced emergency legislation that mandates each school conduct weekly asymptomatic testing for the COVID-19 virus based on a tiered approach, with schools testing at least 20% of its' students by January 2022.⁶⁷ This temporary legislation expires on October 1, 2022.⁶⁸ At the proposed fiscal year 2023 budget oversight hearing, Dr. Grant stated that OSSE maintains its commitment to not only continue this asymptomatic testing process, but also posting testing results as the law mandates.⁶⁹ This requirement gives parents and families increased security and assurance regarding students' health and safety at schools.

On March 2, 2022, permanent legislation was enacted that mandates eligible students to be fully vaccinated by a fully U.S. Food and Drug Administration (FDA) approved COVID-19 immunization by March 1, 2022, although enforcement of this requirement will not begin until the first day of school year 2022-2023.⁷⁰ OSSE must collaborate with DC Health, the Deputy Mayor of Education (DME), and all LEAs to increase youth vaccination rates through citywide campaigns, school-based clinics, incentives, and family communications. In turn, this will enhance school safety for all by ensuring a 100% rate of vaccination for all educators, school staff, and eligible students. The Committee also requests OSSE work closely with DC Health to ensure nurses are conducting asymptomatic testing and COVID-19 vaccines. While the exact number of eligible unvaccinated students is unknown, the Committee remains concerned about even one student being denied enrollment in the upcoming school year.

Special Education: OSSE provides comprehensive resources and supports to assist the District's most vulnerable student populations as the needs of students with disabilities vary greatly. According to OSSE's Landscape Analysis, 1 out of 4 black males and 1 out of 8 black females are identified as students with disabilities – twice the rate of their white peers. According to the National Center on Educational Outcomes (NCEO), 85 to 90 percent of students with disabilities can perform at grade level when provided with appropriate services and supports.⁷¹ Part B of the Individuals with Disabilities Education Act (IDEA) requires that students with disabilities be provided a free public special education and related services through an Individualized Education Program (IEP).⁷² While this is an important corrective step to best educate students, often students are two or more years behind before they are identified for this program.

Throughout the last years, the Committee has become increasingly concerned from hearing continued grievances from the public regarding delays in IEPs. In response, the Committee held a hearing on February 2, 2022, in which Victoria Glick, Director of Special Education, testified that

⁶⁷ D.C. Law 24-190; 68 DCR 11348.

⁶⁸ D.C. Law 24-63; 69 DCR 1680.

⁶⁹ *Budget Oversight Hearing: Office of the State Superintendent*. March 30, 2022. Testimony of Dr. Christina Grant, Superintendent, Office of the State Superintendent.

⁷⁰ D.C. Law 24-85; 69 DCR 2029; <https://osse.dc.gov/page/district-columbia-immunization-attendance-policy>.

⁷¹ [Students with Disabilities in Educational Policy, Practice, and Professional Judgment: What Should We Expect?](#) (NCEO Report #413)

⁷² 104 Stat. 1142.

OSSE is revising its IDEA monitoring processes to drive program improvement and State-level supports to expand access and actionable data to families. More specifically, they are currently engaged in an extensive revision of regulations for IDEA Part B and will be moving to a final rulemaking after several rounds of public comment and engagement.⁷³ The Committee is not only keen to continue this process and share in the results to best accelerate academic outcomes for students with disabilities, but also to review the new special education monitoring framework in the 2022-2023 school year.

OSSE reports referrals for initial evaluation in the current school year have increased since school year 2020-21 but have not reached pre-pandemic levels.⁷⁴ Further, the rate of timely initial evaluations is lower for the current school year than each of the last three years.⁷⁵ Currently, the District has a 60% timeliness rate for initial evaluations, while 18% are late or not completed.⁷⁶ Even with OSSE's continued dedication, Committee remains concerned about these delays in initial evaluations.

Course Codes Report: Report due on March 14 related to several data and is required in the Budget Support Act. At the proposed fiscal year 2023 budget hearing, Dr. Grant stated the report will be filed following the hearing.⁷⁷ As of April 19, 2022, the report is not filed. The Committee urges OSSE to expeditiously complete and file this report.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 operating budget for the Office of the State Superintendent of Education as proposed by the Mayor.

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee recommends adoption of the Fiscal Year 2023 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.

⁷³ After reviewing public comments received from a variety of stakeholders, OSSE is moving towards a final rulemaking and anticipates that Chapter 30 will be final and effective by July 1, 2022.

⁷⁴ Post-Hearing Responses, Special Education Policies for Students with Disabilities, February 25, 2022.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Performance Oversight Hearing: Office of the State Superintendent*. March 30, 2022. Testimony of Dr. Christina Grant, Superintendent, Office of the State Superintendent.

2. The Committee requests that OSSE provide greater transparency around how both it and its subgrantees spend the federal COVID-19 relief funding and the related outcomes achieved or not achieved in fiscal years 2021 – 2024.
3. The Committee strongly recommends that OSSE develop a short- and long-term plan to address the specific needs of students who have experienced learning loss.
4. The Committee applauds OSSE’s adherence to the asymptomatic testing program through the end of the 2021-2022 school year. The Committee also suggests OSSE continue to follow COVID-19 positive case numbers if there is a need to continue testing efforts for the upcoming 2022-2023 school year.
5. The Committee recommends that OSSE quickly address the delay of initial evaluations of students who may require IEPs.

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 transportation services to more than 3,500 students with special needs to over 240 schools in the DC regional area. Additionally, OSSE-DOT provides field trip transportation for students, supports the Special Olympics by providing transportation for participants, and supports many city-wide emergencies and initiatives. 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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	117,418	120,623	116,782	122,102	122,102	0
Operating FTEs	1,266.8	1,388.3	1,451.3	1,451.2	1,451.2	0
Capital Funds	1,787	9,049	4,961	5,417	5,417	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget⁷⁸

The Fiscal Year 2023 budget proposal for Special Education Transportation is \$122,102, an increase of \$5,320, or 4.5 percent, from the current fiscal year. The proposed budget supports 1,451.5 FTEs, no change from the current fiscal year.

Local Funds: The Mayor's proposed budget is \$113,102 an increase of \$5,320, or 4.9 percent, from the current fiscal year. The proposed budget supports 1,451.2 FTEs, no change from the current fiscal year.

Federal Grant Funds: The Mayor's proposed budget is \$9,000 an increase of \$9,000 from the current fiscal year. The proposed budget supports no FTEs.

Mayor's Proposed Fiscal Year 2023 Capital Budget

The Mayor's fiscal year 2023 capital budget proposal for Special Education Transportation is \$24,873 over the 6-year financial plan. \$5,417 is budgeted for FY 2023.

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.

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

⁷⁸ 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.

District of Columbia.⁷⁹ The agency's work is designed to achieve four main objectives: Safety, Efficiency, Reliability, and Customer Focus. At the proposed fiscal year 2023 budget hearing, witnesses expressed concern regarding OSSE-DOT's budget chapter, which identifies a net decrease of 13.9 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.⁸⁰ However, Dr. Grant testified that those FTEs are a compilation of staff services, including attendants, drivers, and others.⁸¹ Further, she also stated that OSSE currently has an offer of employment out to all attendant vacancies.⁸² It is not clear as to where funding will arise for the remaining vacancies. Further, it is possible this reduction represents a miscoding of positions in the Mayor's proposed budget.

Electric Vehicles: The Committee is dedicated to clean energy and applauds OSSE's efforts in securing a pilot of ten electric busses; however, the investment to a clean environment was not fully realized in the proposed fiscal year 2023 budget. Dr. Grant was also unable to say when 100% of OSSE's transportation fleet would be electric. The Committee remains focused on advancing a green agenda and encourages OSSE to act quickly to convert the entire fleet to electric vehicles.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2032 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 operating budget for Special Education Transportation as proposed by the Mayor.

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee recommends adoption of the Fiscal Year 2023 capital budget for Special Education Transportation as proposed by the Mayor.

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.

⁷⁹ <https://osse.dc.gov/service/student-transportation>.

⁸⁰ *Id.*; *Budget Oversight Hearing: Office of the State Superintendent*. March 28, 2022. Testimony of Sharra E. Greer, Policy Director, Children's Law Center.

⁸¹ *Budget Oversight Hearing: Office of the State Superintendent*. March 30, 2022. Testimony of Dr. Christina Grant, Superintendent, Office of the State Superintendent.

⁸² *Id.*; As of February 1, 2022, OSSE DOT had 135 vacancies; 41 of these vacancies have candidates selected. The remaining 94 vacancies include 36 bus drivers, 48 attendants and 10 administrative positions.

DC STATE BOARD OF EDUCATION

Committee Recommendations – See Page XX

I. AGENCY OVERVIEW

The mission of the District of Columbia State Board of Education (“State Board”) 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 State Board views its role in the achievement of this mission as one with 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 State Board.

**Table GE-A: DC State Board of Education
Total Funds Budget FY 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	1,876	2,044	2,361	2,532	2,717	185
Operating FTEs	27.0	29.1	32.0	30.0	32.0	2
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR’S PROPOSED BUDGET

Mayor’s Proposed Fiscal Year 2023 Operating Budget⁸³

The Fiscal Year 2023 budget proposal for the D.C. State Board of Education is \$2,532, an increase of \$171 or 7.2 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.

⁸³ 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 2023 budget and agency performance over the last year.

Increased Capacity: In FY22, the State Board of Education remained a steadfast partner in serving the students of the District. As elected members, their insight into the needs of their communities is invaluable to the Council and DC education agencies. As Dr. Jessica Sutter, President of the State Board, testified at their FY23 budget oversight hearing, the SBOE “may be a fairly small agency, but even with a limited budget and staff, [they] have proven [themselves] to be strong partners in advancing educational equity.” The Committee commends SBOE for partnering with their communities to navigate a continuing public health crisis and shifting requirements for a return to in-person learning. As the SBOE has been nimble in their approach to meetings, they are now in need of additional capacity to assist their efforts to develop an approach to more widely accessible community meetings and are seeking to retain the services of a virtual consultant to this end. As such, the SBOE has vocalized a need for each elected board member to have a small discretionary fund to be used to costs associated with meetings and community engagement initiatives.

Another important function of the SBOE its role in advising the State Superintendent of Education on matters related to state standards and state policies and, in some cases, their eventual approval and adoption. In large part as a result of the COVID-19 pandemic and a return to in-person school in the midst of it, the Office of the Ombudsman and the Office of the Student Advocate (OSA) saw a significant increase in their caseloads, with students and families reaching out frequently with challenges experienced by students and families. For example, in the Ombudsman’s office, the family cases mainly revolved around the provision of special education services in a virtual learning posture. As a result, the Council provided additional funds in FY22 through OSSE for an Assistant Ombudsman to respond to and resolve complaints as they relate to special education concerns. This additional capacity has been enormously additive to the Ombudsman’s office and its ability to support additional families. During performance oversight hearings, Serena Hayes, Ombudsman for Public Education, highlighted a joint effort between their office and OSSE to develop the DC Special Education Hub (SpEd Hub)⁸⁴. Set to open this summer, the SpEd Hub will provide a District-wide resource for parents and families to answer important questions education in the District and resolve school-specific issues. The Committee commends the Office of the Ombudsman and OSSE for this new initiative.

In FY22, the OSA heard from many families about issues ranging from safety of school facilities to concerns about returning to in-person instruction. Due to the significant increase in caseload during this time, in FY22, the Council provided additional capacity for the OSA to keep up with the increase in cases. However, as schools pivot back to in-person learning, the OSA has continued to see an increase in cases and have logged over 3,000 community and education sector

⁸⁴ The SpEd Hub will be staffed with 4.0 FTEs. Funding for these FTEs can be seen under the OSSE budget Table 7.

engagements. As such, the OSA has requested the support of an additional Student Advocate for FY23.

Facility Needs: In its FY22 and FY23 budget requests the SBOE, Office of the Ombudsman, and Office of the Student Advocate, have been clear about the need for more space for staff and to host parents and students. Their current offices in the Old Council Chambers at the Marion Barry Building are still insufficient for their work. The Committee recognizes the need for the Office of the Ombudsman and the Office of the Student Advocate to have expanded office space and space for meetings. However, the Committee recommends that Office of the Ombudsman and the Office of the Student Advocate collaborate with the education agencies to find and repurpose space within other government facilities.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

1. Increase 1.0 FTE Program/Activity SB00/SB01, CSG 11 by \$76,700 (Local, Recurring)⁸⁵
2. Increase Program/Activity SB00/SB01, CSG 14 by \$14,650 (Local, Recurring)⁸⁶
3. Increase Program/Activity SB00/SB03, CSG 11 by \$78,925 (Local, Recurring)⁸⁷
4. Increase Program/Activity SB00/SB03, CSG 14 by \$15,075 (Local, Recurring)⁸⁸

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.

⁸⁵ Addition of 1.0 FTE for the State Board of Education for a new position to focus on state education standards.

⁸⁶ *Id.*

⁸⁷ Addition of 1.0 FTE for the Office of the Student Advocate for a new Student Advocate.

⁸⁸ *Id.*

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	175,308	177,091	171,201	195,084	195,084	0
Operating FTEs	968.4	948.4	948.4	948.4	948.4	0
Capital Funds	0	0	32,550	50,000	50,000	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget

The Fiscal Year 2023 budget proposal for the University of the District of Columbia is \$195,084, an increase of \$23,883, or 12% percent, from the current fiscal year. The proposed budget supports 948.4 FTEs, no change from the current fiscal year. This increase is mostly attributable to an increase in federal funding – specifically \$19 million in Higher Education Emergency Relief Fund (HEERF) funding and \$7 million in new grants.

Enterprise Funds: The proposed budget is comprised entirely of enterprise funds.

Mayor's Proposed Fiscal Year 2023 Capital Budget

The Mayor's proposed capital improvements plan includes \$168.5 million over six years for UDC's improvements, including \$87.0 million in fiscal years 2023 and 2024. This \$87 million will contribute to the 4250 Connecticut Avenue building renovation and other improvements at the Van Ness campus, including replacements and repairs to HVAC, IT, roofs, elevators, and drainage systems. This funding is also meant to support renovations and improvements for the community college space at Bertie Backus and Old Congress Heights School. While the Mayor's proposed capital improvements plan includes represents a net increase of \$4.95 million over the six-year plan, \$10.5 million is being cut from fiscal year 2023.

III. COMMITTEE COMMENTARY

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

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 2025.⁸⁹ However, sufficient funds do not currently exist.⁹⁰ In fact, the Mayor has completely eliminated all funds from this project.⁹¹

At the Proposed Fiscal Year 2023 Budget Oversight Hearing, President Mason clearly stated that UDC's top priority is to finally 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."⁹² 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 effect to finally overhaul UDC's campus.⁹³ The Committee has been and remains committed to addressing UDC's infrastructure needs.

Fundraising Match: Beginning in fiscal year 2014, the Council set aside funds for the University as part of a fundraising match to aid the University with accreditation activities and readiness.⁹⁴ At the onset of the COVID-19 global pandemic, the Committee approved UDC's request for the match requirements for fiscal year 2020 be amended to a one-to-one match ratio with a limit of \$1.5 million. In fiscal year 2022, UDC returned to a pre-pandemic two-to-one ratio – for every two dollars that the UDC raises, it will receive one dollar, up to a maximum of \$1.5 million. At the Proposed Fiscal Year 2023 Budget Oversight Hearing, President Mason requested the Committee reconsider a return to a one-to-one match with a limit of \$2 million.⁹⁵ The Committee remains supportive of UDC's private fundraising efforts and is confident UDC will be able to secure private funds to meet the ceiling of \$2 million.

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

⁸⁹ *Budget Oversight Hearing: University of the District of Columbia*. March 29, 2022. Testimony of Ronald Mason, President, University of the District of Columbia.

⁹⁰ FY23 Proposed Budget.

⁹¹ *Id.*; FY22 Proposed Capital Improvement Plan proposed \$14M in FY24 and \$14M in FY25.

⁹² *Budget Oversight Hearing: University of the District of Columbia*. March 29, 2022. Testimony of Ronald Mason, President, University of the District of Columbia.

⁹³ *Id.*, Testimony of Antoine Kirby Kirby, Educational Services; Teresa Aspinwall, The Multicultural Spanish Speaking Association.

⁹⁴ Title X, Sec. 10002 of D.C. Law 20-61, Fiscal Year 2014 Budget Support Act of 2013.

⁹⁵ *Budget Oversight Hearing: University of the District of Columbia*. March 29, 2022. Testimony of Ronald Mason, President, University of the District of Columbia.

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 2010-11 through its most recent academic year, 2020-2021.

**Table GF-B: University of the District of Columbia;
Enrollment Academic Years 2011-2021**

Students	Fall 2011	Fall 2012	Fall 2013	Fall 2014	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019	Fall 2020	Fall 2021
Undergraduate	2,129	2,019	2,026	1,959	2,124	2,051	2,009	1,957	1,938	1,791	1,603
Graduate	263	253	299	312	320	368	388	377	371	340	289
Law School	365	380	344	315	313	286	280	256	257	228	240
UDC-CC	2,529	2,838	2,686	2,532	2,361	1,899	1,850	1,910	1,890	1,594	1,344
Total	5,286	5,490	5,355	5,118	5,118	4,604	4,527	4,500	4,456	3,953	3,476

Source: UDC's FY2021-2022 Performance Oversight Responses, Q. 42.

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. UDC is currently focusing on transfer students, part-time students, and generally expanding its efforts beyond the "traditional" first-time in college, full-time students.⁹⁶ UDC's student body is typically older than most colleges, with students historically struggling to juggle their school/work/life balance and therefore dropping out.⁹⁷ The Committee remains concerned in UDC's ability to maintain enrollment numbers. Last year, UDC employed a comprehensive strategy focused on identifying, maintaining, and enrolling students; however, "[d]espite these efforts, UDC's enrollment has continued to decline."⁹⁸ While this downward trend is common in universities across the country, the Committee is eager to closely monitor this strategy's progress.

Early Childhood Educator Credentials: In December 2016, the Office of the State Superintendent of Education (OSSE) issued regulations that require all childcare providers obtain requisite credentialing or degrees to become ECE teachers.⁹⁹ 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, 2023.¹⁰⁰ As a result, UDC began to offer a targeted associate degree program to the bilingual ECE teachers in the District. While incredibly popular among both students and the public, this program has encountered several roadblocks since inception. Last

⁹⁶2021-2022, *Performance Oversight Responses, University of the District of Columbia*, Q. 39.

⁹⁷ *Id.*

⁹⁸ 2021-2022, *Performance Oversight Responses, University of the District of Columbia*, Q. 43.

⁹⁹ 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.

¹⁰⁰ *Id.*

year, UDC eliminated spots due to lack of funding. During both OSSE's and UDC's performance oversight and proposed fiscal year 2023 budget hearings, the Committee has heard from numerous bilingual ECE providers who expressed support in this program.¹⁰¹ More specifically, at the proposed fiscal year 2023 budget hearings, several witnesses voiced the need for an additional recurring funding of \$850,000 for the Early Childhood Higher Education Initiative (HEI) Scholarship Fund to cover the cost of the expanded demand for scholarship support due to the increased degree requirements by OSSE.¹⁰²

The Committee applauds the work of the hundreds of bilingual ECE providers and acknowledges the hardship of those who must attain an associate degree in order 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.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the University of the District of Columbia as proposed by the Mayor.

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee recommends the following change to the University of the District of Columbia Fiscal Year 2023 budget:

1. Separating capital improvement projects to identify individual funding levels. The Office of Budget and Planning is working on this technical adjustment to separate projects to respective lines. This will not change the dollar amount in the budget but will change the narrative.

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.

¹⁰¹ OSSE FY 21-22 Performance Oversight Hearing; UDC's FY 21-22 Performance Oversight Hearing; OSSE Budget Oversight Hearing. March 29, 2022; UDC Budget Oversight Hearing: March 28, 2022.

¹⁰² Budget Oversight Hearing; University of the District of Columbia. March 29, 2022. Testimony of Sia Barbara Furguson Kamara, DC Early Learning Collaborative; Antoine Kirby, Kirby Educational Services; Cristina Encinas, The Multicultural Spanish Speaking Association; Teresa Aspinwall, The Multicultural Spanish Speaking Association; D.C. Law 38-274.01.

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 by \$850,000 on an annual basis.
6. UDC should sponsor an early childhood faculty enhancement institute to increase faculty knowledge, skills and dispositions focused on the science of child development for children birth to five, the science of early language development numeracy and literacy, bilingual and multicultural instruction, NAEYC positions statements: 4th edition of the Developmentally Appropriate Practice and Advancing Equity in ECE.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	89,123	91,083	93,313	95,098	95,598	500
Operating FTEs	0.0	0.0	0.0	0.0	0.0	0
Capital Funds	0	0	32,550	50,000	50,000	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget

The Fiscal Year 2023 budget proposal for the University of the District of Columbia Subsidy is \$95,098, an increase of \$1,807, or 1.9 percent, from the current fiscal year. The proposed budget supports no FTEs.

Local Funds: The Mayor's proposed budget is \$94,681 million, an increase of \$1,807, or 1.9 percent, from the current fiscal year. The proposed budget supports no FTEs.

Federal Payment: The Mayor's proposed budget is \$417,000, a decrease of \$23,000, or 5.23 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 60-65 of this report.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee accepts a transfer of \$500,000 from the Committee on Labor and Workforce Development for a study of violence interrupter career pathways.

The Committee recommends adoption of the Fiscal Year 2023 budget for the University of the District of Columbia's Subsidy Account as proposed by the Mayor with the following changes:

1. Increase Program/Activity 1000/1100, CSG 50, by \$500,000 (Local, One Time)¹⁰³

¹⁰³ Violence Interrupter Study

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

I. AGENCY OVERVIEW

The mission of the Department of Licensing and Consumer Protection is to protect the economic interests of residents, businesses, and visitors in the District of Columbia by licensing and regulating businesses and enforcing the Consumer Protection Procedures Act.

**Table CR0-A: Department of Licensing and Consumer Protection
Total Funds Budget FY 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	61,464	64,307	90,737	37,844	37,662	(182)
Operating FTEs	451.0	451.9	501.0	194.0	193.0	(1.0)
Capital Funds	0	0	0	813	813	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁰⁴

The Fiscal Year 2023 budget proposal for the Department of Licensing and Consumer Protection (DLCP) is \$37,844, a decrease of \$52,893, or 58.3%, from the current fiscal year. The proposed budget supports 194 FTEs, a decrease of 307 FTEs, or 61.2%, from the current fiscal year. These decreases are a result of the creation of the Department of Buildings via D.C. Law 23-269, which split several functions off from the former Department of Consumer and Regulatory Affairs (now DLCP), including permitting and building code enforcement.

Local Funds: The Mayor's proposed budget is \$8,181, a decrease of \$39,662 or 82.9% over the current fiscal year. The proposed budget supports 32 FTEs.

Special Purpose Funds: The Mayor's proposed budget is \$28,773, a decrease of \$13,973 or 32.7% under the current fiscal year. The proposed budget supports 162 FTEs.

¹⁰⁴ 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.

Federal Funds: The Mayor's proposed budget is \$891, an increase/decrease of \$891 or 100%, over the current fiscal year. The proposed budget supports 0.0 FTEs, an increase/decrease of 0.0 FTEs, or 0.0 percent, over/under the current fiscal year.

Private Funds: The Mayor's proposed budget is \$0, an increase/decrease of \$0, or 0.0 percent, over/under the current fiscal year. The proposed budget supports 0.0 FTEs, an increase/decrease of 0.0 FTEs, or 0.0 percent, over/under the current fiscal year.

Intra-District Funds: The Mayor's proposed budget is \$0, a decrease of 100% from the current fiscal year.

Mayor's Proposed Fiscal Year 2023 Capital Budget

The Mayor's capital improvement plan includes \$1,370 for DLCP over the 6-year plan. The plan authorizes \$813 in fiscal year 2023, \$517 in fiscal year 2024, \$0 in fiscal year 2025, \$40 in fiscal year 2026, and \$0 in fiscal years 2027 and 2028.

III. COMMITTEE COMMENTARY¹⁰⁵

The Committee provides the following commentary and concerns about the proposed fiscal year 2023 (FY 2023) budget and agency performance over the last year.

Unlicensed Rental Properties and Businesses: The Department of Licensing and Consumer Protection (DLCP), formerly known as the Department of Consumer and Regulatory Affairs (DCRA), enforces the District's Consumer Protection Procedures Act, oversees business and occupational licensing, and inspects the commercially used weighing and measuring devices in the District. Data from the Department shows that District residents filed over 1,600 complaints in FY 2021 and 2022. Of those complaints, approximately 45% concern unlicensed rental properties or activities (27%) or unlicensed businesses (18%). Of the nearly 65,000 active business licenses in the District, almost half (46%) are for rental housing. According to data from DCRA, more than 153,000 units are associated with rental housing licenses. The Census Bureau's American Community Survey (ACS) estimates that there are over 173,000 renter-occupied units in the District.¹⁰⁶ An analysis of rental housing by the D.C. Policy Center estimated that there are as many as 207,421 rental units in the District. Applying a vacancy of 7% (per ACS data) means there could be as many as 192,000 rental units. Based on these calculations, anywhere from 12% to 20% of the District's renter-occupied housing may not be licensed. This is a lower rate than other jurisdictions but still troubling.¹⁰⁷

¹⁰⁵ All budget figures presented here are dollars in thousands.

¹⁰⁶ This is based on one-year estimates for 2020, which are experimental due to the COVID-19 impact on survey response. Rothbaum, J., Eggleston, J., Bee, A., Klee, M., & Mendez-Smith, B. *Addressing Nonresponse Bias in the American Community Survey During the Pandemic Using Administrative Data*.

¹⁰⁷ Pew Charitable Trusts. Rental Code Enforcement in Philadelphia: How it works, and what other cities are doing (November 2021). Available at <https://www.pewtrusts.org/-/media/assets/2021/11/rental-enforcement-in-philly.pdf>.

**Table CR0-B: Department of Licensing and Consumer Protection;
Estimate of Unlicensed Rental Properties**

	ACS	D.C. Policy Center
Renter-Occupied Units	173,847	192,902
Percent of Units Without License	12%	20%

Given the critical role our licensing system plays in ensuring safe, habitable housing for renters, the Committee recommends that the Department conduct a more thorough analysis of unlicensed rental properties to better understand the scope of the problem and proactively target properties and units that are not registered. This could be done by comparing licensing data with Integrated Tax System Public Extract data, and residential unit, and property data from the Computer Assisted Mass Appraisal database. Similar work has been done by New York University for New York City,¹⁰⁸ and by Pew Charitable Trusts for the City of Philadelphia.¹⁰⁹ The Department could add internal data on prior compliance to the analysis so as to flag repeat violators. The Department should work closely with the Department of Buildings to coordinate inspections where necessary.

For other unlicensed businesses, the Committee recommends that DLCP conduct proactive outreach to licensees whose basic business license has been expired for a month or more, and the licensee has not applied for a renewal. This would ensure that licensees are not continuing to operate without an active license. Additionally, the Committee recommends that the Department analyze prior license violations so repeat violators can be flagged for additional scrutiny.

Key Performance Indicators: DLCP's performance plan adopts most of the key performance indicators (KPIs) used by the former DCRA, with two additional KPIs measuring the percent of Customer Relationship Management (CRM) cases that are resolved within three business days and the percent of non-FOIA record requests completed within five days of receipt.¹¹⁰ While we share the view that responsiveness is a critical component of government performance, the Committee is concerned that none of the KPIs measure compliance with the District's law or the outcomes of the Department's actions. This leaves the Council, and District residents, with little information to judge the Department's effectiveness. As such, the Committee makes the following recommendations regarding KPIs.

First, DLCP should adopt a KPI measuring the number of community outreach and education events and engagements conducted within a fiscal year. Events and outreach should be targeted at communities most vulnerable to unfair trade practices, such as low-income renters, seniors, and immigrants. Whatever target the department sets should be reasonable but ambitious. Second, the Department should create a KPI measuring the percent of mediated complaints that are resolved to the satisfaction of the consumer and the business. Third, the Department should

¹⁰⁸ New York University Furman Center for Real Estate and Urban Policy, Locating Landlord: An Analysis of Rental Property Registration Compliance in New York City, January 2013. Available at <https://furmancenter.org/files/publications/FactBrief-LocatingLandlords.pdf>.

¹⁰⁹ See *supra* note 4.

¹¹⁰ The Department of Licensing and Consumer Protection FY2023 Performance Plan. Available at: <https://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DLCP23.pdf>.

include a KPI in their performance plan measuring compliance with weights and measures requirements. This KPI could measure overall compliance or compliance for specific devices (i.e., gasoline pumps, etc.).

**Table CR0-C: Department of Licensing and Consumer Protection;
Proposed Key Performance Indicators**

Performance Indicator(s)	Indicator Category
Number of outreach and education events on consumer protection.	Education
Percent of mediated complaints resolved to the satisfaction of the consumer and the business.	Quality
Percent of weights and measures devices in compliance.	Compliance

Flavored Electronic Smoking Device Prohibition Amendment Act: The budget for the Department of Licensing and Consumer Protection includes enforcement funding for the implementation of Law 24-25, the Flavored Electronic Smoking Device Prohibition Amendment Act of 2021. The law, approved by the Council in June 2021, prohibits the sale, distribution, or purchasing of flavored tobacco products, defined as any tobacco product or synthetic nicotine product that imparts a “characterizing flavor” such as fruit, chocolate, menthol, and mint. The bill also prohibits the sale of electronic smoking devices within a quarter-mile of a middle or high school. The rise of flavored e-cigarettes and other flavored tobacco products has led to an increase in youth tobacco use after years of consistent declines¹¹¹ due to the marketing of flavors and the use of imagery that appeals to children.¹¹² Given the negative impacts of e-cigarette and tobacco use,¹¹³ it is critical that the Department of Licensing and Consumer Protection effectively enforce the law. To that end, the Committee has several recommendations.

First, the Department should conduct a robust educational campaign to ensure that retailers are familiar with the law. When San Francisco banned flavored tobacco sales in 2018, the San Francisco Department of Health sent emails to retailers, mailed fact sheet posters, and held listening sessions with retailers. Trained volunteers with the San Francisco Tobacco-Free Coalition also visited tobacco stores to raise awareness and record any questions about the law. A similar program should be implemented here, with DLCP working closely with the Department of Health and other stakeholders.¹¹⁴

Second, the Committee recommends the use of proactive, unannounced inspections and undercover buy operations at tobacco shops, gas stations, and other places that sell tobacco.

¹¹¹ See, for instance, Cullen, K. A., Liu, S. T., Bernat, J. K., Slavitt, W. I., Tynan, M. A., King, B. A., & Neff, L. J. (2019). Flavored tobacco product use among middle and high school students—United States, 2014–2018. *Morbidity and Mortality Weekly Report*, 68(39), 839.

¹¹² See, for instance, Collins, L., Glasser, A. M., Abudayyeh, H., Pearson, J. L., & Villanti, A. C. (2019). E-cigarette marketing and communication: how e-cigarette companies market e-cigarettes and the public engages with e-cigarette information. *Nicotine and Tobacco Research*, 21(1), 14-24.

¹¹³ Gandini, S., Botteri, E., Iodice, S., Boniol, M., Lowenfels, A. B., Maisonneuve, P., & Boyle, P. (2008). Tobacco smoking and cancer: a meta-analysis. *International journal of cancer*, 122(1), 155-164.; and Helen, G. S., & Eaton, D. L. (2018). Public health consequences of e-cigarette use. *JAMA internal medicine*, 178(7), 984-986.

¹¹⁴ Vyas, P., Ling, P., Gordon, B., Callewaert, J., Dang, A., Smith, D., ... & Glantz, S. (2021). Compliance with San Francisco’s flavoured tobacco sales prohibition. *Tobacco control*, 30(2), 227-230.

Proactive enforcement is a more potent incentive for compliance than education.¹¹⁵ After education efforts and initial inspections, the Department should prioritize the inspection of retailers who were found out of compliance during initial inspections. If undercover buy operations are used, they should be carefully crafted. A meta-analysis of youth undercover buy inspections for cigarettes suggests that commonly used protocols often fail to mirror real-world behavior, and because of this, compliance rates from these operations are not accurate.¹¹⁶ The authors make eight common-sense recommendations that should be considered for any undercover buy operations conducted by the Department or other agencies.¹¹⁷

Third, the Department should include a KPI measuring compliance with the law. The KPI could measure the percentage of retailers where no violations were found via inspections or undercover buy operations. The Department should strive for a compliance rate of at least 90%, if not higher, when enforcement begins in earnest.

Finally, the Department and other agencies should monitor the sale and use of non-flavored tobacco products by youth. While research shows that flavored tobacco bans are effective at reducing the use and sale of flavored tobacco products, studies also find that some current tobacco users transition to non-flavored tobacco products as a result of a prohibition of flavored tobacco products.¹¹⁸ The Department should work collaboratively with other agencies to ensure that retailers are not facilitating access to non-flavored tobacco products for youth.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Department of Licensing and Consumer Protection as proposed by the Mayor with the following changes:¹¹⁹

1. Decrease Program/Activity 1000/1040, CSG 11, by \$146,185 (Local, Recurring) and 1.0 FTE.¹²⁰

¹¹⁵ See, for instance, Stead, L. F., & Lancaster, T. (2000). A systematic review of interventions for preventing tobacco sales to minors. *Tobacco Control*, 9(2), 169-176.

¹¹⁶ Lee, J. G., Gregory, K. R., Baker, H. M., Ranney, L. M., & Goldstein, A. O. (2016). "May I buy a pack of Marlboros, please?" A systematic review of evidence to improve the validity and impact of youth undercover buy inspections. *PloS one*, 11(4), e0153152.

¹¹⁷ *Id.*, Table 2.

¹¹⁸ See, for instance, Carpenter, C. S., & Nguyen, H. V. (2021). Intended and unintended effects of banning menthol cigarettes. *The Journal of Law and Economics*, 64(3), 629-650; Courtemanche, C. J., Palmer, M. K., & Pesko, M. F. (2017). Influence of the flavored cigarette ban on adolescent tobacco use. *American journal of preventive medicine*, 52(5), e139-e146; and Friedman, A. S. (2021). A difference-in-differences analysis of youth smoking and a ban on sales of flavored tobacco products in San Francisco, California. *JAMA pediatrics*, 175(8), 863-865;

¹¹⁹ The recommended decreases are being use to fund new housing code inspector positions within the Department of Buildings.

¹²⁰ Position Number 10012570.

2. Decrease Program/Activity 1000/1040, CSG 14, by \$35,522.96 (Local, Recurring).

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee recommends the adoption of the fiscal year 2023 capital improvement plan budget for the Department of Licensing and Consumer Protection as proposed by the Mayor.

Policy Recommendations

1. Conduct a thorough analysis of unlicensed rental properties to determine the scope of the problem and better target specific owners or properties.
2. Conduct proactive investigations of businesses whose license has been expired for a month and the licensee has not applied for renewal to ensure that the business is not operating without a license.
3. Adopt specific key performance indicators that measure consumer education efforts, the quality of DLCP's mediation efforts, and compliance with weights and measures rules and regulations.
4. For the enforcement of the Flavored Electronic Smoking Device Prohibition Amendment Act, the Department should engage in a robust education campaign to ensure retailers know the law, use proactive, unannounced inspections and undercover buy operations to measure compliance, adopt a key performance indicator measuring retailer compliance with the law, and monitor tobacco use and purchases by youth more generally to ensure retailers are not facilitating access to non-flavored tobacco products for youth who no longer have access to flavored tobacco products.

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 CR0-A: Department of Licensing and Consumer Protection
Total Funds Budget FY 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	0	0	0	64,093	64,376	283
Operating FTEs	0.0	0.0	0.0	333.0	337.0	4.0
Capital Funds	0	0	0	3,706	3,706	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹²¹

The Fiscal Year 2023 budget proposal for the Department of Buildings (DOB) is \$64,093. The proposed budget supports 333.0 FTEs.

Local Funds: The Mayor's proposed budget is \$43,973. The proposed budget supports 244 FTEs.

Special Purpose Funds: The Mayor's proposed budget is \$15,793. The proposed budget supports 89 FTEs.

Federal Funds: The Mayor's proposed budget is \$4,328. The proposed budget supports 0 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 2022 Capital Budget

The Mayor's capital improvement plan includes \$6,799 for DOB over the 6-year plan. The plan authorizes \$3,706 for fiscal year 2023, \$2,624 for fiscal year 2024, \$123 for fiscal year 2025, \$18 for fiscal year 2026, \$328 for fiscal year 2027, and \$0 for fiscal year 2028.

¹²¹ The Mayor's proposed budget provides numbers rounded to dollars in thousands; therefore, all figures presented here are dollars in thousands.

III. COMMITTEE COMMENTARY¹²²

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) is a new agency created by the Council upon approval and funding of D.C. Law (23-269; 68 DCR 4174). The agency will be 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).

Human Capital and Staffing: Human capital is what drives agency performance. Without adequate staff support, even the most well-designed programs cannot reach their full potential. Given the critical role of human capital in fostering success, the Committee The Mayor’s proposed fiscal year 2023 budget for DOB funds approximately 333 full-time equivalent (FTE) positions. This is roughly two-thirds of the staff from the former DCRA. When comparing proposed FTE levels in functions and divisions of DOB to its predecessor agency, it becomes clear the Mayor’s budget does not adequately invest in inspection staff for the new agency (Table CU-1).

**Table CU0-B: Department of Buildings;
Approved DCRA Fiscal Year 2022 FTEs vs. Proposed DOB Fiscal Year 2023 FTEs**

	DCRA FY22	DOB FY23	Difference
Administrative Services	89	90	+1
Agency Financial Operations	16	2	-14
Permitting Division	59	60	+1
Construction Compliance Division	15	3	-12
Building Inspection Division	40	36.5	-3.5
Green Building Division	13	12	-1
Surveyor’s Office	9	8	-1
Third-Party Inspection Program	N/A	10.5	+10.5
Vacant and Blighted Property	9	18	+9
Rental Housing Inspections Division	36	41	+5
Housing Rehabilitation Division	32	18	-14
Code Enforcement Division	N/A	2	+2
Civil Infractions & Assessments	N/A	15	+15
Zoning Administrator	17	17	0

First, the proposed budget includes only two new inspectors within the Rental Housing Inspection Division, for a total of 27 residential housing inspectors. In fiscal year 2021, 25 inspectors and 17 resident inspectors conducted 7,721 complaint-based rental housing inspections. Resident inspectors conducted 2,178 inspections or 128 inspections per inspector. DCRA-employed inspectors performed 5,543 inspections or 205 inspections per inspector. But these

¹²² All budget figures presented here are dollars in thousands.

inspections are only the tip of the proverbial iceberg and will increase as the population grows and housing stock ages. For example, the Census Bureau estimates that nearly half (46%) of renter-occupied units are in buildings constructed prior to 1960.¹²³ If more of these units deteriorate and are subject to complaints, it will put additional strain on inspectors who are already overloaded. The Committee identified five vacant positions, four in the Department of Buildings and one in the Department of Licensing and Consumer Affairs, that are duplicative and could be cut without significantly impacting agency operations. The dollars for these positions have been converted to fund eight housing code inspector positions, increasing the total number of housing code inspectors to 35. The Committee will attempt to find additional funding for more housing code inspectors in the full budget.

Second, while the proposed budget includes nine additional FTEs for the Vacant and Blighted Property Division, none of these new positions are inspectors. The Department reports that, in fiscal year 2021, there were an additional 30 resident inspectors for vacant and blighted building inspections. However, these resident inspectors only conducted 1,696 inspections out of over 7,000 total inspections in fiscal year 2021. This means that the four DCRA-employed inspectors conducted roughly 1,400 inspections *each* during the fiscal year. Such a large workload is not sustainable and is likely hurting the quality of the District's enforcement. The Committee will attempt to find additional funding for vacant and blighted building inspectors in the full budget.

Finally, the proposed budget includes eight additional combination code inspectors for illegal construction funded through American Recovery Plan Act dollars. While this is a welcome development, the funding is one-time, and there is a need for more inspectors, as evidenced by DCRA's own data. In fiscal year 2021, there were over 5,500 illegal construction inspections, and the vast majority of these were conducted by DCRA-employed inspectors, suggesting that the resident inspector program is not absorbing much of the workload.¹²⁴ Additionally, response times have plummeted in fiscal year 2022. To date, the agency took more than four days to respond to 46% of illegal construction complaints.¹²⁵ Quick response times are critical for illegal construction complaints, as perpetrators may be able to finish or cover up any illegal activity given enough time. To rectify this, the Committee will attempt to find additional, permanent funding for illegal construction or combination code inspectors in the full budget.

Interagency Coordination: At several Committee hearings, including the budget hearing for the Department of Buildings, advocates have noted that DCRA does not effectively coordinate its efforts with other agencies. For instance, in her testimony before the Committee on March 24, 2022, Ms. Zeisel, Senior Supervising Attorney with the Children's Law Center, stated, "In the past, DCRA rarely made connections to DOEE's (and previously DHCD's) lead abatement program. But, DOB can and should be a leader in connecting tenants and landlords to the program

¹²³ American Community Survey 2020 (5-Year Estimate), Year Structure Built (Renter-Occupied Housing Units).

¹²⁴ Data from DCRA shows that they had 85 resident inspectors certified for illegal construction in fiscal year 2021, and these inspectors conducted 760 inspections, or only 13.5% of total inspections.

¹²⁵ DCRA Agency Dashboard, Inspections and Compliance, Illegal Construction Response, FY2022. Data as of April 18, 2022.

as inspectors are on the front lines of seeing peeling paint and other lead hazards.”¹²⁶ The Committee agrees. Interagency coordination will be critical to the success of the Department of Buildings. As such, the Committee makes several recommendations.

First, the Committee recommends that the Executive explicitly assess current mechanisms for interagency collaboration and information sharing in the business process analysis and reengineering assessment required by Law 23-269. Per the law, the analysis must identify “processes by which the Department of Consumer and Regulatory Affairs currently performs each of the functions covered by this act, evaluates the effectiveness of each existing process, identifies potential process improvements, prioritizes eliminating process inefficiencies, and provides redesigned operational processes for the Department of Buildings to adopt these functions.”¹²⁷ In the analysis, the Executive should consider existing memorandums of agreement or understanding, information or data-sharing agreements, and any other policies or procedures that are meant to promote interagency coordination, assess their effectiveness and make improvements where necessary.

Second, where formal agreements do not exist, 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 or education, or outreach efforts, as research has consistently found an association between housing conditions and childhood asthma.¹²⁸

Finally, the Committee recommends designating specific employees as interagency coordinators. In many jobs, it is all too easy to work in silos with very infrequent interagency coordination taking place. Designating specific employees as interagency coordinators ensures that employees prioritize coordination and maintain strong relationships with sister agencies. The Committee intends to look at the full budget to fund a coordinator or liaison position for the agency, but this person will need assistance from individuals across the organization to work effectively.

Key Performance Indicators: The fiscal year 2023 performance plan for the Department of Buildings contains approximately 15 key performance indicators (KPIs), including two new KPIs that set targets for the number of vacant and blighted properties brought back into productive

¹²⁶ Kathy Zeisel, Testimony Before the District of Columbia Council, Committee of the Whole, March 24, 2022, Budget Hearing: Department of Buildings, pg. 6.

¹²⁷ D.C. Official Code § 10-561.08(5).

¹²⁸ 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.

use and the number of housing code violations abated by property owners. While these two new KPIs are welcome additions, the other KPIs are identical to those used by the former Department of Consumer and Regulatory Affairs and mostly measure the timeliness of the agency's response to citizen complaints and permits. While the Committee recognizes that timeliness is important, KPIs should also measure compliance and outcomes, so citizens and policymakers have a clearer picture of the agency's performance. For instance, one of the KPIs in the performance plan measures the percentage of housing code inspections completed 15 days after receiving a complaint. This is undoubtedly an important KPI, as tenants should not have to wait weeks for an inspection to take place. However, there is no KPI that tells us what happens after the inspections occur. How many of these inspections result in a notice of infraction (NOI)? How many violations are abated within the seven days after the NOI is received by the property owner? Without this information, the Council cannot adequately assess the effectiveness of the agency's work. As such, the Committee makes several recommendations regarding KPIs for the Department of Buildings.

First, the Department of Buildings' 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, the effectiveness of the Department's enforcement, and the quality of the Department's inspections and legal justification for issuing an NOI. All of this is valuable information that could be used to enhance or reform existing processes. For instance, if the percent of violations abated within seven days of receipt of an NOI is low, it may mean that the Department needs to do better follow-up or that higher penalties are needed to incentivize abatement by housing providers. Additionally, if the Office of Administrative Hearings is not upholding a significant percentage of NOIs, it may mean that inspections were not thorough or legal justifications were lacking. If it is the latter, it may be something that the Council can address legislatively. Other agencies, such as the Department of Buildings in New York City, use similar performance indicators.¹²⁹

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

Performance Indicator(s)	Indicator Category
Percent of proactive and complaint-based housing code inspections where a violation was found.	Compliance
Percent of housing code violations abated within 7 days of the property owner receiving an NOI.	Effectiveness
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

¹²⁹ New York City, Mayor's Office of Operations, Preliminary Fiscal 2022 Mayor's Management Report, Department of Buildings (pgs. 232-233).

construction inspections.¹³⁰ 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-D: 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, the Department of Buildings’ 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 percent 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.

**Table CU0-E: 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

Housing Code Inspection Policies and Procedures: The Committee remains concerned about the use of a “triage” method to handle housing code complaints. Per DCRA’s 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.¹³¹ There are two major

¹³⁰ Data from the Department of Consumer and Regulatory Affairs Data Dashboard, Inspections. Accessed on March 24, 2022.

¹³¹ DCRA Standard Operating Procedures, Property Maintenance/Housing, Scheduling and Conducting Inspections, April 29, 2019.

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 issues. 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 is up to code. 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.

Additionally, the Committee continues to be concerned that the Proactive Inspections program dilutes the agency’s ability to target “bad actors” effectively, even with changes to the algorithm used to randomly select properties. Given current resource constraints, the Committee recommends that the Department of Buildings overhaul its proactive inspection program to focus on properties where there is actual evidence or a high risk of substandard housing conditions. To determine the risk of substandard housing conditions at specific properties, the Committee recommends that the Department explore using indicators such as delinquent property taxes, a history of pest infestations, and areas with a higher percentage of vulnerable populations to prioritize proactive inspections. Research has found that many of these data points are strong determinants of substandard housing.¹³² The data are also easily accessible to the Department through the Census Bureau or through sister agencies.

IV. COMMITTEE RECOMMENDATIONS

Committee’s Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Department of Buildings as proposed by the Mayor with the following changes:

1. Decrease Program/Activity 1000/1040, CSG 11, by \$248,371 (Local, Recurring) and 2.0 FTEs.¹³³
2. Decrease Program/Activity 1000/1040, CSG 14, by \$60,354.15 (Local, Recurring).¹³⁴
3. Decrease Program/Activity 1000/1085, CSG 11, by \$130,611 (Local, Recurring) and 2.0 FTEs.¹³⁵
4. Decrease Program/Activity 1000/1085, CSG 14, by \$31,738.48 (Local, Recurring).¹³⁶

¹³² See, for instance: Clark, C. S., Bornschein, R. L., Succop, P., Hee, S. Q., Hammond, P. B., & Peace, B. (1985). Condition and type of housing as an indicator of potential environmental lead exposure and pediatric blood lead levels. *Environmental Research*, 38(1), 46-53; Kutty, N. (1999). Determinants of structural adequacy of dwellings. *Journal of housing research*, 10(1), 27-43; 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.

¹³³ Position Numbers 10012600 and 10012607.

¹³⁴ *Id.*

¹³⁵ Position Numbers 5.

¹³⁶ *Id.*

5. Increase Program/Activity 3000/3020, CSG 11, by \$542,240 (Local, Recurring) and 8 FTEs (6 Housing Code Inspector I and 2 Housing Code Inspector II).¹³⁷
6. Increase Program/Activity 3000/3020, CSG 14, by \$131,764.32 (Local, Recurring).
7. Transfer of \$60,000 in one-time local funds from the Committee on the Judiciary and Public Safety to CSG 40, Program 1000, Activity 1040 (Systems update for ANC notifications under Section 4(c) and (d) Law 22-287).
8. Transfer of \$20,000 in recurring local funds from the Committee on the Judiciary and Public Safety to CSG 40, Program 1000, Activity 1040 (Purchase stickers to post on vacant buildings under Section 4(c) of Law 22-287).

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee recommends the adoption of the Fiscal Year 2023 capital improvement plan budget for the Department of Buildings as proposed by the Mayor.

Policy Recommendations

1. Assess and make improvements to interagency coordination policies and procedures in the business process analysis and reengineering assessment required by D.C. Law 24-99.
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. Designate specific employees at the Department of Buildings as interagency coordinators to promote and prioritize coordination and information sharing with sister agencies.
4. Adopt recommended key performance indicators, or substantively similar indicators, for inspections and enforcement of housing code violations, building code, and vacant and blighted properties. KPIs should measure compliance with the law and the effectiveness and quality of the Department's enforcement efforts.
5. Eliminate the use of the "triage" method to handle housing code complaints.
6. Use additional data and inputs such as pest infestations reported to the Department of Health or delinquent property tax data from the Office and Tax and Revenue to improve the proactive inspection program.

¹³⁷ Housing Code Inspector I positions are for Grade 9, Step 5, with a salary of \$64,466. Housing Code Inspector II positions are for Grade 11, Step 5, with a salary of \$77,722. The fringe benefit rate is 24.3% for each position.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	42,836	44,099	17,620	17,227	15,577	0
Operating FTEs	75.0	75.0	75.0	89.0	89.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹³⁸

The Fiscal Year 2023 budget proposal for the District of Columbia Retirement Board is \$42,779, a decrease of \$6,124, or 12.5 percent, from the current fiscal year. The proposed budget supports 89.0 FTEs, an increase of 14.0, or 18.7 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 2023 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).¹³⁹ 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 actuarially determined amount necessary to fund the pensions in the annual budget.¹⁴⁰ 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%.¹⁴¹ 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%.¹⁴²

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

¹³⁸ 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.

¹³⁹ D.C. OFFICIAL CODE § 1-907.03(a).

¹⁴⁰ D.C. OFFICIAL CODE § 1-907.03(b).

¹⁴¹ REPORT ON THE ACTUARIAL VALUATIONS OF THE TEACHERS' RETIREMENT PLAN AND POLICE OFFICERS AND FIREFIGHTERS' RETIREMENT PLAN p 30 (December 17, 2018).

¹⁴² See NATIONAL CONFERENCE ON PUBLIC EMPLOYEE RETIREMENT SYSTEMS AND COBALT COMMUNITY RESEARCH, 2015 NCPERS PUBLIC RETIREMENT SYSTEMS STUDY (November 2015).

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 believes that management instability has led to a number of concerns at the agency over the last few years. There has been turnover in the Executive Director position including retirement of the former Executive Director, appointment of two Interim Executive Directors, and finally a new permanent Executive Director. Moreover, a number of senior-level vacancies remain at a time when there is worry over management issues at the Board. Even lower-level vacancies are cause for concern – according to the Executive Director there were six vacancies in the benefits division in March at the same time there have been an increased number of issues with confirming benefits for retired teachers.

The Committee also remains concerned over the Board quickly remediating negative audit findings identified in the last two fiscal years. Some of these should have been remediated last year – some of these should be remediated more quickly. 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. The Committee recommends the Board be more aggressive in remediation of all outstanding findings.

Investment Fee Reporting: The Committee has heard concerns over how the Board budgets investment fees for certain investment management fees. In prior fiscal years, most investment management fees were reflected in the agency’s operating budget, while some private equity investment fees were not reported through the budget because they were netted out against the products’ returns. In response, the FY23 budget removes all investment management fees from the operating budget, stating that they are not considered operating in nature. The Committee pressed the Executive Director on this, and he assured the Committee that such an approach is allowable under applicable accounting and budgeting standards. The Committee notes that the Other Post-Employment Benefits Fund – a separate fund set up by the District to prepay retiree health costs – reports its fees in its budget, although the amounts are minute in comparison to the retirement funds. The Committee recommends that the Board be fully transparent in supporting documentation and financial reports so that annuitants and the public can clearly see what fees are being charged.

IV. COMMITTEE RECOMMENDATIONS

Committee’s Recommended Fiscal year 2023 Operating Budget

The Committee recommends adoption the Fiscal Year 2023 budget for the District of Columbia Retirement Board as proposed by the Mayor.

Policy Recommendations

1. The Committee recommends that the Board fill all leadership positions quickly, and that other vacancies be filled timely to ensure ongoing operations of the agency.
2. The Committee recommends the Board be more aggressive in remediation of all outstanding findings.
3. The Committee recommends that the Board 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 2016 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 7, 2015, DCRB transmitted the certified contribution for inclusion in the Mayor's FY 2016 proposed budget, and it is reflected in this chapter.

**Table FD-A: Police Officers' and Fire Fighters' Retirement System
Total Funds Budget FY 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	96,061	109,933	108,966	77,508	77,508	0
Operating FTEs	0	0	0	0	0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁴³

The Fiscal Year 2023 budget proposal for the Police Officer's and Fire Fighters' Retirement System is \$77,508, a decrease of \$31,458, or 28.9 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 2023 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 2023, the ADEC for POFFRS is \$77,508.

Funding Ratio and Unfunded Liability: According to the most recent actuarial valuation, POFFRS is currently 117.93 percent funded on an actuarial basis – an increase of approximately 7 percentage points over the previous year's level.

¹⁴³ 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-A: Police and Firefighters' System;
Plan Summary**

Funding Measures – Police and Fire			
Police and Fire	10/1/2020	10/1/2021	Percent Change
1. Actuarial Accrued Liability			
a. Active	\$ 3,119,862	\$ 3,075,255	(1.43%)
b. Retirees and Beneficiaries	2,830,585	3,021,846	6.76%
c. Inactive with Deferred Benefits	73,396	84,513	15.15%
d. Total	\$ 6,023,843	\$ 6,181,614	2.62%
2. Actuarial Value of Assets	\$ 6,676,013	\$ 7,290,173	9.20%
3. Plan Funded Ratio (2. / 1.d.)	110.83%	117.93%	
4. Market Value of Assets	\$ 6,620,190	\$ 7,963,277	20.29%
5. Funded Ratio based on Market Value of Assets (4. / 1.d.)	109.90%	128.82%	

(\$ in Thousands)

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Police Officer's and Fire Fighters' Retirement System as proposed by the Mayor.

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 7, 2015, the DCRB transmitted the certified contribution for inclusion in the Mayor's FY 2016 proposed budget as reflected in this chapter.

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

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	58,580	70,135	75,060	47,835	47,835	0
Operating FTEs	0	0	0	0	0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁴⁴

The Fiscal Year 2023 budget proposal for the Teachers' Retirement System is \$47,835, a decrease of \$27,225, or 36.3 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 2023 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 2023, the calculated amount for TRS is \$47,835.

Funding Ratio and Unfunded Liability: According to the most recent actuarial valuation, TRS is currently 99.47 percent funded on an actuarial basis – an increase of approximately 7 percentage points over the previous year's level.

¹⁴⁴ 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	10/1/2020	10/1/2021	Percent Change	
1. Actuarial Accrued Liability				
a. Active	\$ 1,335,898	\$ 1,362,322	1.98%	
b. Retirees and Beneficiaries	1,121,326	1,132,341	0.98%	
c. Inactive with Deferred Benefits	183,579	203,955	11.10%	
d. Total	\$ 2,640,803	\$ 2,698,618	2.19%	
2. Actuarial Value of Assets	\$ 2,431,075	\$ 2,684,368	10.42%	
3. Plan Funded Ratio (2. / 1.d.)	92.06%	99.47%		
4. Market Value of Assets	\$ 2,411,390	\$ 2,934,307	21.69%	
5. Funded Ratio based on Market Value of Assets (4. / 1.d.)	91.31%	108.73%		

(\$ in Thousands)

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 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 2020-2023

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	9,069	9,088	10,416	11,605	11,605	0
Operating FTEs	0.0	0.0	0.0	0.0	0.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁴⁵

The Fiscal Year 2023 budget proposal for the Other Post-Employment Benefits Administration is \$9,088, an increase of \$1,189, or 11.4 percent, 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 2021 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

¹⁴⁵ 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.

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 March 22, 2022 oversight hearing and is show below.

[illegible][illegible]

Calculation of the Annually Determined Employer Contribution (ADEC): The results of a study to 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.¹⁴⁶ 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 align the OPEB assumptions 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 2023 is \$41.5 million.

Funding Ratio and Unfunded Liability: OPEB is currently 119.19% funded meaning that the OPEB fund has no unfunded liability.

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

Table I-1 Summary of Valuation Results		
Valuation Date	September 30, 2020	September 30, 2021
Discount Rate	6.50%	6.50%
Actuarial Liability (AL)	\$ 1,588,936,238	\$ 1,698,994,377
Actuarial Value of Assets	1,670,614,421	1,852,650,431
Unfunded actuarial liability (UAL)	\$ (81,678,183)	\$ (153,656,054)
Funded Ratio (AVA/AL)	105.14%	109.04%
Expected Net Benefit Payments	36,493,629	43,085,711
Market Value of Assets	1,640,681,507	2,025,061,908
Funded Ratio (MVA/AL)	103.26%	119.19%
Fiscal Year Ending	September 30, 2022	September 30, 2023
Actuarially Determined Contribution	\$ 53,000,000	\$ 41,500,000

Source: Other Post-Employment Benefits Fund 2021 Annual Report

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal year 2023 Operating Budget

The Committee adoption of the Fiscal Year 2023 budget for the for the Other Post-Employment Benefits Administration as proposed by the Mayor.

¹⁴⁶ *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).

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 show above, as is practice for other enterprise agency 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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	47,300	53,600	50,300	41,500	41,500	0
Operating FTEs	0.0	0.0	0.0	0.0	0.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁴⁷

The Fiscal Year 2023 budget proposal for the Retiree Health Contribution is \$41,500, a decrease of \$11,500, or 21.7 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 see 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 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 budget for the Retiree Health Contribution as proposed by the Mayor.

¹⁴⁷ 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.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

I. AGENCY OVERVIEW

WMATA was created February 20, 1967. It is an interstate compact agency and, by the terms of its enabling legislation, an agency and instrumentality of the District of Columbia, State of Maryland, and Commonwealth of Virginia. This compact agency was created by the aforementioned states and the District of Columbia to plan, finance, construct, and operate a comprehensive public transit system for the Washington metropolitan area. A Board of Directors, with representatives from each of the three jurisdictions and the federal government, governs WMATA. The District has two voting members and two non-voting members on WMATA's Board. The Project Delivery Administration of the District's Department of Transportation (DDOT) oversees the District's funding of WMATA and recommends policy direction, develops service initiatives, and monitors service quality. DDOT's role is inclusive of all transit modes including Metrobus, Metrorail, and MetroAccess Paratransit service.

**Table BJ-A: Washington Metropolitan Area Transit Authority
Total Funds Budget FY 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	424,270	458,346	457,525	481,169	481,169	0
Operating FTEs	0.0	0.0	0.0	0.0	0.0	0
Capital Funds	319,743	323,500	327,664	331,158	331,158	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁴⁸

The Fiscal Year 2023 budget proposal for the Washington Metropolitan Area Transit Authority is \$481,169, an increase of \$23,644, or 5.2 percent, from the current fiscal year. The proposed budget supports no FTEs.

Local Funds: The Mayor's proposed budget is \$388,865, an increase of \$36,977, or 10.2 percent, from the current fiscal year. The proposed budget supports no FTEs.

¹⁴⁸ 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 \$71,804, a decrease of \$4,833, or 6.3 percent, from the current fiscal year. The proposed budget supports no FTEs.

Special Purpose Revenue Funds: The Mayor's proposed budget is \$20,500, a decrease of \$7,500, or 26.8 percent, from the current fiscal. The proposed budget supports no FTEs.

Mayor's Proposed Fiscal Year 2023 Capital Budget¹⁴⁹

The Fiscal Year 2023 budget proposal for the Washington Metropolitan Area Transit Authority is \$1,778,421 over the 6 year financial plan and \$331,158 for fiscal year 2023.

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.

Electric Buses: The Clean Energy DC Omnibus Amendment Act of 2018 (D.C. Law 22-257) mandates that 50 percent of public buses be low or zero-emission by 2030 and 100 percent zero-emission by 2045. The District has committed to reducing greenhouse gas emissions 50 percent below 2006 levels by 2032 and be carbon neutral by 2050. Electrification saves money: The Washington Metropolitan Area Transit Authority (WMATA) would save at least \$350 million over the lifetime of its fleet if 50 percent of its fleet is comprised of electric buses, according to a 2020 Sierra Club report; savings would increase if more electric buses were added. Electrification also reduces global warming and improves the public health.

While compressed natural gas is cleaner than diesel fuel, it contributes more to greenhouse gas emissions than desired, so it is imperative to eliminate use of any form of fossil fuel in WMATA's bus fleet. In June 2020, the Federal Transit Administration awarded WMATA more than \$4 million to purchase new electric buses and charging equipment and to make infrastructure improvements. But at this point Metro has one electric bus and is planning to acquire one dozen more for a two-year pilot to study electrification – even though other cities already have electric buses in operation and the DC Circulator is already partially electrified.

In February 2022, the Council passed R24-373, the Sense of the Council Urging WMATA's Bus Fleet Electrification Resolution of 2022. The resolution calls for WMATA to commit to electrifying its fleet on a schedule that meets or exceeds the Clean Energy DC Act deadlines by agreeing to electrifying at least 50 percent of its bus fleet by 2030, 75 percent by 2035, 90 percent by 2040, and 100 percent by 2045. Further, WMATA's current contract for 542 fossil fuel buses with New Flyer to be delivered by 2023 should be the last time Metro purchases

¹⁴⁹ 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.

fossil fuel buses. The Committee urges that the contract should be converted to electric bus purchases.

WMATA is currently installing electric charging equipment at two D.C. bus garages – Bladensburg and the Northern Bus Barn – so the infrastructure will be in place soon for WMATA bus electrification. Any future upgrades to WMATA bus garages or fueling infrastructure must include electric bus ready designs. WMATA should prioritize introducing electric buses on routes servicing low- and moderate-income neighborhoods and environmental justice communities that have been disproportionately burdened by pollution. WMATA also should substantially shorten its planned two-year pilot program with 12 electric buses and begin it as soon as possible.

7000 Series Rail Cars: In October 2021, the Washington Metrorail Safety Commission (WMSC) ordered the 7000 Series cars out of service following the derailment of a Blue Line train in a tunnel near Arlington National Cemetery. The National Transportation Safety Board (NTSB), which continues to investigate the derailment, has cited problems with wheelsets on the 7000 Series rail cars that shift too far apart on their axles. On December 14, 2021, WMSC issued an announcement that it had “no technical objections to the final plan WMATA submitted to gradually return nearly half of the 7000-series railcars to passenger service. By December 29, 2021, WMSC had issued a new order removing the 7000-series cars from service again. In its most recent announcement on the issue, WMATA notes that it expects the cars to return to service in summer 2022 at the earliest, however this plan has yet to be submitted to the WMSC. The absence of the more than 700 railcars from the 7000 Series has left WMATA with a shortage of available trains, resulting in long wait times for riders that have only improved slightly since last fall.

Part of the investigation into the defects with the 7000 Series includes a “root cause” analysis that WMATA has undertaken with the Transportation Technology Center, Inc. (TTCI) in coordination with the NTSB. The Committee inquired about the status of this analysis at WMATA’s performance hearing, only learning that the process is ongoing. While the Committee understands the complex and technical nature of this investigation, we strongly encourage WMATA to work toward completion of this analysis as expeditiously as possible, without sacrificing accuracy, and provide the public with all relevant findings.

Metro Transit Police: The Committee remains to be concerned over negative public interactions with law enforcement, including the Metro Transit Police Department (MTPD). Currently, there is no independent civilian review body to review citizen complaints of MTPD. In 2020, the Council adopted the Washington Metropolitan Area Transit Authority Police Accountability Amendment Act of 2020 (Bill 23-886) to create such an entity. The Committee still intends to work with neighboring jurisdictions to move creation of this body forward with our regional partners. In order to become effective, the three compact jurisdictions and Congress will have to adopt the changes to the Metro Compact.

At this year’s performance oversight hearing, WMATA’s Chief of Police also committed to giving genuine and appropriate consideration to developing methods to more efficiently track use of force, stop and arrest data. Currently, MTPD does not gather use of force data in a method

that is easily viewed or understood, nor does MTPD make that information readily publicly available. The Committee looks forward to seeing how MTPD will devise and implement a strategy to ensure that the public has access to this important information.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee recommends adoption of the Fiscal Year 2023 operating budget for WMATA as proposed by the Mayor.

Committee's Recommended Fiscal Year 2023 Capital Budget

The Committee recommends adoption of the Fiscal Year 2023 capital budget for WMATA as proposed by the Mayor.

Policy Recommendations

1. The Committee recommends that WMATA move to fully electrify its fleet in a timeframe that is consistent with, or faster than, the timeline set forth in the Clean Energy DC Omnibus Amendment Act of 2018 and in R24-373.
2. The Committee recommends that WMATA work quickly and efficiently to complete the root cause analysis related to the 7000 series rail cars, and to the greatest extent practicable, make the findings available to the public.
3. The Committee recommends that WMATA work with stakeholders and cooperate with the region as changes are contemplated to the Compact regarding an independent police complaints review board for MTPD, in addition to considering methods of tracking and publicly releasing MTPD use of force, stops and arrest data as was discussed at WMATA's FY 2022 performance oversight hearing.

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 2020-2023**

	Actual 2020	Actual 2021	Approved 2022	Mayor 2023	Committee 2023	Change
Operating Funds	0	0	301,881	8,813	13,678	4,865
Operating FTEs	0.0	0.0	0.0	0.0	0.0	0
Capital Funds	0	0	0	0	0	0

Source: Budget Books (dollars in thousands)

II. MAYOR'S PROPOSED BUDGET

Mayor's Proposed Fiscal Year 2023 Operating Budget¹⁵⁰

The Fiscal Year 2023 budget proposal for Non-Department is \$8,813, a decrease of \$293,068, or 97.1 percent, from the current fiscal year. The proposed budget supports no FTEs.

Local Funds: The Mayor's proposed budget is \$2,750, a decrease of \$16,274, or 85.5 percent, from the current fiscal year. The proposed budget supports no FTEs.

Special Purpose Revenue: The Mayor's proposed budget is \$4,813, a decrease of \$5,580, or 53.7 percent, from the current fiscal year. The proposed budget supports no FTEs.

Federal Payments: The Mayor's proposed budget is \$1,250, a decrease of \$271,214, or 99.5 percent, from the current fiscal year. The proposed budget supports no FTEs.

III. COMMITTEE COMMENTARY

The Non-Departmental account includes a \$1 million enhancement by the Mayor to support the Cherry Blossom Festival. These funds have previously been included and eventually transferred to EventsDC to provide the grant. The Committee notes that a grantmaking subtitle will be necessary to facilitate the grant. In addition, the account includes \$1.5 million for a fundraising match for the University of the District of Columbia. The Committee recommends a \$500,000 enhancement to the UDC grant for a total of \$2 million. Finally, the Committee is

¹⁵⁰ 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.

accepting \$4.365 million from the Committee on Labor and Workforce Development that will be used to implement a District government paid leave benefit.

IV. COMMITTEE RECOMMENDATIONS

Committee's Recommended Fiscal Year 2023 Operating Budget

The Committee on Labor and Workforce Development transferred \$4.365 million in recurring funds for implementation of District Government Paid Leave Benefits.

The Committee recommends adoption of the Fiscal Year 2023 budget for Non-Departmental as proposed by the Mayor with the following changes:

1. Increase Program/Activity 1000/1100, CSG 50 by \$500,000 (One-Time, Local)¹⁵¹
2. Increase Program/Activity 1000/1100, CSG 50 by \$4,365,000 (Recurring, Local)¹⁵²

¹⁵¹ Increase to UDC Fundraising Match

¹⁵² District Government Paid Leave Benefits.

FISCAL YEAR 2023 BUDGET SUPPORT ACT LANGUAGE RECOMMENDATIONS

The Committee of the Whole modifies, strikes, or otherwise provides comments on the following subtitles of Bill 24-714, the “Fiscal Year 2023 Budget Support Act of 2022”. 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 C. Office of Administrative Hearings Universal Paid Leave Administrative Law Judges

Title IV. Public Education

Subtitle B. Universal Paid Leave

Title VI. Operations and Infrastructure

Subtitle A. Private Detective Regulation and Licensure

Subtitle B. Seasonal Business Licenses

Title VII. Finance and Revenue

Subtitle A. District Integrated Financial System

Subtitle B. Reprogramming Of ARPA Funds

The Committee also recommends the following additional subtitles:

Subtitle COW-A. Freedom of Information Act Clarification

Subtitle COW-B. Master Facilities Plan Implementation

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

Subtitle COW-D. Early Childhood Educator Funding

Subtitle COW-E. Central Food Facility Siting and Feasibility Study

The following Subject to Appropriations clauses should be added to Title VII-G:

Sec. 71XX. Section 6(b) of the Comprehensive Plan Amendment Act of 2021, effective September 24, 2021 (D.C. Law 24-20; 68 DCR 10052) is repealed.

Sec. 71XX. Section 4(c), (d), and (e) of the Department of Consumer and Regulatory Affairs Omnibus Amendment Act of 2018 (D.C. Law 22-287; 66 DCR 1650) are repealed.

TITLE III-C OAH UNIVERSAL PAID LEAVE ADMINISTRATIVE LAW JUDGES

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to authorize, on a permanent basis, funds from the Universal Paid Leave (UPL) Administration Fund to be transferred to the Office of Administrative Hearings (OAH) to support appeals of claim determinations. It would amend the Universal Paid Leave Implementation Fund Act of 2016 which was a part of the Fiscal Year 2017 Budget Support Act of 2016 (D.C. Law 21-160).

II. COMMITTEE REASONING

The Council adopted language in the Fiscal Year 2022 Budget Support Act of 2021 to allow for up to five judges to be funded pursuant to a Memorandum of Understanding. Inclusion of this subtitle will extend this provision beyond FY 2022.

III. SECTION BY SECTION ANALYSIS

Section 2031. Short title.

Section 2032. Allows OAH to transfer in UPL funds on a permanent basis.

IV. LEGISLATIVE RECOMMENDATION

1 SUBTITLE C. OFFICE OF ADMINISTRATIVE HEARINGS UNIVERSAL PAID 2 LEAVE ADMINISTRATIVE LAW JUDGES

3 Sec. 3021. Short title.

4 This subtitle may be cited as the “Office of Administrative Hearings Universal Paid
5 Leave Hearings Funding Amendment Act of 2022”.

6 Sec. 3022. Section 1153(e)(2) of the Universal Paid Leave Implementation Fund Act of
7 2016, effective December 3, 2020 (D.C. Law 23-149; D.C. Official Code § 32-551.02(e)(2)), is

- 8 amended by striking the phrase “In Fiscal Year 2022, notwithstanding” and inserting the word
9 “Notwithstanding” in its place.

TITLE IV-B UNIVERSAL PAID LEAVE

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to amend the Universal Paid Leave Amendment Act of 2016 to increase the maximum duration of for each type of paid-leave benefit covered under the statute and eliminate the one-week waiting period to receive paid-leave benefits.

II. COMMITTEE REASONING

The Committee supports the purpose of this subtitle, and notes that it agrees with the Office of the Chief Financial Officer’s determination and certification of sufficient funding to enact the increase in paid leave benefits. The Committee further notes that the District’s universal paid leave program is the only program in the United States that is exclusively employer funded. The Committee recommends adoption of this subtitle.

III. SECTION BY SECTION ANALYSIS

Sec. 4011. Short title.

Sec. 4012. Amends the Universal Paid Leave Amendment Act of 2016 to (1) eliminate the requirement that an eligible individual wait one week during which no benefits are payable before being entitled to receive payment of his or her paid-leave benefits for claims filed on or after July 25, 2022; (2) increase the maximum duration of paid leave benefits as follows: 12 workweeks of qualifying parental leave; 12 workweeks of qualifying family leave; 12 workweeks of qualifying medical leave; and 2 workweeks of qualifying pre-natal leave; and (3) repeals previous provisions that defined the expansion of paid-leave benefits.

IV. LEGISLATIVE RECOMMENDATION

10 **SUBTITLE B. UNIVERSAL PAID LEAVE**

Sec. 4011. Short title.

This subtitle may be cited as the “Universal Paid Leave Amendment Act of 2022”.

Sec. 4012. The Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 et seq.), is amended as follows:

(a) Section 104 (D.C. Official Code § 32-541.04) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3) to read as follows:

“(3) This subsection shall not apply to claims filed on or after July 25, 2022.”.

(2) Subsection (e-1)(3) is amended to read as follows:

“(3) For claims filed on or after October 1, 2022, the maximum duration for each type of paid-leave benefits within a 52-workweek shall be:

“(A) 12 workweeks of qualifying parental leave;

“(B) 12 workweeks of qualifying family leave;

“(C) 12 workweeks of qualifying medical leave; and

“(D) 2 workweeks of qualifying pre-natal leave.”.

(b) Section 104a (D.C. Official Code § 32-541.04a) is amended as follows:

(1) Subsection (b)(3) is amended to read as follows:

“(3) An employer contribution rate change provided for in subsection (c)(2) of this section shall apply as of July 1 of the year in which the employer contribution rate change will not cause the projected fund balance of the Universal Paid Leave Fund to fall below the equivalent of 9 months of benefits at the expanded tier, as certified pursuant to paragraph (1) of this subsection.”.

(2) Subsection (c) is amended as follows:

(A) Paragraph (1) is repealed.

34 (B) Paragraph (2) is amended by striking the phrase “Beginning with July
35 1 of the first year in which all paid-leave benefit expansions set forth in paragraph (1) of this
36 subsection have been implemented, and annually thereafter,” and inserting the phrase
37 “Beginning with July 1, 2022, and annually thereafter,” in its place.

TITLE VI-A APPRENTICESHIP FINES

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle amends statutory language to clarify that the Mayor has authority to regulate private detective licenses and establishes a fee for the license.

II. COMMITTEE REASONING

The Committee recommends striking this subtitle as it is not germane to the budget and has no impact on the budget or financial plan.

III. SECTION BY SECTION ANALYSIS

N/A

IV. LEGISLATIVE RECOMMENDATION

38

39

~~SUBTITLE A. PRIVATE DETECTIVE REGULATION AND LICENSURE~~

40

~~Sec. 6001. Short title.~~

41

~~This subtitle may be cited as the “Private Detective Regulation and Licensure~~

42

~~Amendment Act of 2022”.~~

43

~~Sec. 6002. Section 47-2839 of the District of Columbia Official Code is amended as~~

44

~~follows:~~

~~(a) Subsection (a) is amended to read as follows:~~

~~“(a) No license shall be issued under this section without the approval of the Chief of Police.”~~

~~(b) Subsection (d) is amended by:~~

~~(1) Striking the phrase “Council of the District of Columbia” and inserting the word “Mayor” in its place;~~

~~(2) Striking the phrase “it deems” and inserting the phrase “he or she deems” in its place; and~~

~~(3) Striking the phrase “his judgment” and inserting the phrase “his or her judgment” in its place.~~

~~(c) A new subsection (f 1) is added to read as follows:~~

~~“(f 1) The Mayor may, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), issue rules to establish fees for licenses issued pursuant to this section; provided, that until such time as the Mayor may establish such fees, the fee for a license issued under this section shall be \$158 per year.”.~~

TITLE VI - B SEASONAL BUSINESS LICENSE FEE AMENDMENT ACT

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to authorize the Department of Licensing and Consumer Protection to issue seasonal basic business licenses with a 6-month term. The seasonal basic business license would cost \$35, with a \$12.50 endorsement fee.

II. COMMITTEE REASONING

The Committee recommends striking this subtitle. The Committee has received no justification or analysis to suggest that “seasonal” basic business licenses are necessary. Additionally, the subtitle has no impact on the budget or financial plan.

III. SECTION BY SECTION ANALYSIS

N/A.

IV. LEGISLATIVE RECOMMENDATION

61 ~~SUBTITLE B. SEASONAL BUSINESS LICENSES~~

62 ~~Sec. 6011. Short title:~~

63 ~~“This subtitle may be cited as the “Seasonal Business License Fee Amendment Act of~~
64 ~~2022”.~~

65 ~~Sec. 6012. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as~~
66 ~~follows:~~

67 ~~(a) Section 47-2851.08 is amended as follows:~~

68 ~~(1) Subsection (a) is amended as follows:~~

69 ~~(A) Paragraph (1) is amended to read as follows:~~

70 ~~“(1) Except as provided in paragraph (1A) of this ‘subsection, the Center shall~~
71 ~~collect the following fees for the issuance and endorsement of an initial license:~~

72 ~~“(A) \$70 for each initial 2-year basic business license it issues, plus \$25~~
73 ~~for each endorsement added to an initial 2-year basic business license;~~

74 ~~“(B) \$140 for each initial 4-year basic business license it issues, plus \$25~~
75 ~~for each endorsement added to an initial 4-year basic business license; and~~

~~“(C) \$35 for each initial 6-month basic business license, plus a fee of \$12.50 for each endorsement added to an initial 6-month basic business license.”.~~

~~(B) A new paragraph (1A) is added to read as follows:~~

~~“(1A) No issuance or endorsement fees shall be charged by the Center for an initial General Business license and endorsement under 17 Dem §516.1(c) or an initial Employment Services license and endorsement under 17 DCMR § 513.1(a), (b), and (c).”.~~

~~(2) Subsection (b) is amended as follows:~~

~~(A) Paragraph (1) is amended to read as follows:~~

~~“(1) Except as provided in paragraph (1) of this subsection, the Center shall collect the following fees for the issuance and endorsement of a renewal license:~~

~~“(A) \$70 for each 2-year basic business renewal license it issues, plus \$25 for each endorsement added to a 2-year basic business renewal license;~~

~~“(B) \$140 for each 4-year basic business renewal license it issues, plus \$25 for each endorsement added to a 4-year basic business renewal license; and~~

~~“(C) \$35 for each 6-month basic business renewal license, plus a fee of \$12.50 for each endorsement added to a 6-month basic business renewal license.”.~~

~~(B) A new paragraph (1) is added to read as follows:~~

~~“(1A) No issuance or endorsement fee shall be charged by the Center for a General Business renewal license and endorsement under 17 DCMR § 516.1(6) or an Employment Services renewal license and endorsement under 17 DCMR § 513.1(a), (b), and (c).”.~~

~~(b) Section 47-2851.09(a) is amended as follows:~~

98 ~~(1) Paragraph (2) is amended by striking the phrase “The fee” and inserting the~~
99 ~~phrase “Except as otherwise provided in § 47-2851.08, the fee” in its place.~~
100 ~~(2) A new paragraph (2A) is added to read as follows:~~
101 ~~“(2A) In addition to the 2-year and 4-year licenses authorized by paragraph (2) of this~~
102 ~~subsection, the Center may also issue licenses that are valid for 6 months from the date of issue,~~
103 ~~unless earlier revoked or voluntarily relinquished.”.~~

TITLE IV-H UNIVERSAL PAID LEAVE

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to amend D.C. Law 21-264, the “Universal Paid Leave Amendment Act of 2021,” to provide for greater benefits due to an excess of revenue in the Universal Paid Leave Fund. As introduced, the Mayor proposed expanding the law to allow for paid leave for domestic violence victims and for pre-natal leave. Additionally, the Mayor proposed a one-year decrease in the paid leave tax rate, lowering the tax from 0.62% to 0.27%. This subtitle was jointly referred to the Committee on Labor and Workforce Development and this Committee.

II. COMMITTEE REASONING

This COW proposes a different version from both the Committee on Labor and Workforce Development (CLWD) and the Mayor. Specifically, the Committee proposes the following:

- extending paid leave to include prenatal leave (as recommended by the Mayor and CLWD) – note CLWD and the Mayor define pre-natal differently The Committee adopts CLWD’s version;
- adding stillbirth to the definition of “qualifying medical leave event”;
- beginning with October 1, 2021, increasing the medical leave benefit up to 6 weeks;
- updating the Office of the Chief Financial Officer’s reporting requirements (OCFO; and
- technical amendments to effectuate the above policies.

Notably, all of the amendments made by the Committee were included in the CLWD committee print. The Committee chose to include the increase in benefits for medical leave, rather than lower the tax, because the Committee believes that the weeks provided for in the original paid leave law

were simply not enough. However, because of the financial forecasts, the Committee was not able to provide more than two workweeks of paid leave at that time. Given that there is now a surplus of revenue, the Committee believes that the best strategy forward is to increase the medical leave benefit at the beginning of fiscal year 2022. Additionally, the Committee should note that both the prenatal and medical benefit increases will only be for one-year because the OCFO will not certify more than this at this time. However, the Committee is hopeful that these benefits will be able to remain at their increased levels after fiscal year 2022.

While CLWD made several other changes, many were based on policies that the Committee did not have time to examine given when CLWD circulated their draft budget report and this Committee circulates it. Thus, the Committee will work with CLWD and the rest of the Council to reach an amenable version for the July 20, 2021 Committee of the Whole mark-up.

III. SECTION BY SECTION ANALYSIS

Sec. 4061. States the short title.

Sec. 4062 Adds two weeks of prenatal leave and increases the medical leave benefit up to six workweeks for fiscal year 2022. Additionally, “stillbirth” is also included in the definition of a “qualifying medical leave event,” and other technical changes are included to conform with these benefits.

Sec. 4063 Revises the OCFO’s reporting requirements.

IV. LEGISLATIVE RECOMMENDATION

104 **SUBTITLE A. DISTRICT INTEGRATED FINANCIAL SYSTEM**

105 Sec. 7001. Short title.

106 This subtitle may be cited as the “District Integrated Financial System Implementation
107 Amendment Act of 2022”.

108 Sec. 7002. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as
109 follows:

110 (a) Section 47-355.05 is amended as follows:

111 (1) Subsection (a-1) is amended by:

(A) Striking the phrase “Agency Financial Officer (“AGO”)” and inserting the phrase “Agency Fiscal Officer (“AFO”)” in its place;

(B) Striking the phrase “AGO’s agency” and inserting the phrase “AFO’s agency” in its place; and

(C) Striking the phrase “AGO’s analysis” and inserting the phrase “AFO’s analysis” in its place.

(2) Subsection (e) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Subparagraph (A) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(ii) Subparagraph (B) is repealed.

(B) Paragraph (2)(A) is amended by striking the phrase “intra District transfer,”.

(b) Section 47-361 is amended as follows:

(1) A new paragraph (7A) is added to read as follows:

“(7A) “Interagency project” means a project in the District’s financial system that has funds budgeted in one agency that are segregated for use for a particular purpose by another District agency, pursuant to an agreement between the agency and the other agency.”.

(2) Paragraph (8) is repealed.

(3) Paragraph (14) is amended by striking the period at the end and inserting the phrase “; provided further, that for an interagency project, the term “reprogramming” means a budget modification of \$500,000 or more for purposes other than those originally authorized that results in an offsetting reallocation of budget authority from one program to another program.”

- 135 (c) Section 47-368.06(a) is amended by striking the phrase “an intra-District transfer”.
- 136 Sec. 7003. The Purchase Card Program Budgeting Act of 2017, effective December 13,
- 137 2017 (D.C. Law 22-33; 64 DCR 12875), is repealed.

TITLE VII-B REPROGRAMMING OF ARPA FUNDS

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to limit Council review of reprogramming of American Rescue Plan Act (ARPA) funds from the District Recovery Plan line items throughout the Mayor’s proposed Fiscal Year 2023 budget. It would amend the section of the D.C. Code that governs reprogramming policy.

II. COMMITTEE REASONING

The Committee recommends striking this subtitle. The final Fiscal Year 2023 to be adopted by the Council should load any ARPA dollars into the programs, activities, and comptroller source groups where the funds are to be spent. When the funds are correctly loaded for the purposes recommended by the Council, this language becomes unnecessary.

III. SECTION BY SECTION ANALYSIS

N/A

IV. LEGISLATIVE RECOMMENDATION

- 138 ~~**SUBTITLE B. REPROGRAMMING OF ARPA FUNDS**~~
- 139 ~~Sec. 7011. Short title.~~
- 140 ~~This subtitle may be cited as the “Reprogramming of American Rescue Plan Act Funds~~
- 141 ~~Act of 2022”.~~

~~Section 7012. Section 47-363 of the District of Columbia Official Code is amended by adding a new subsection (i) to read as follows:~~

~~“(i)(1) This subchapter shall not apply to a reprogramming of funds appropriated from amounts received by the District from the federal government under the American Rescue Plan Act, approved March 11, 2021 (Pub. L. 117-2; 135 Stat. 4) or the Coronavirus Aid, Relief, and Economic Security Act, approved March 27, 2020 (Pub. L. 116-136; 134 Stat. 281), if the reprogramming of such funds is consistent with the purpose for which the funds were appropriated.~~

~~“(2) At the request of the Mayor, the Chief Financial Officer of the District of Columbia (“CFO”) shall reprogram funds described in paragraph (1) of this subsection; provided, that the CFO determines that the funds are available for reprogramming.”~~

TITLE COW-A FOIA DISCLOSURE CLARIFICATION

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle amends the Freedom of Information Act of 1976 (“DC FOIA”) to clarify that the Mayor may not rely on the exemption from disclosure provided by section 204(a)(4) of DC FOIA for certain “inter-agency or intra-agency memorandums or letters,” including the statutory and common-law privileges incorporated therein by section 204(e), as a basis for withholding the documents expressly made public by section 206(a)(6A).

II. COMMITTEE REASONING

Section 206(a) of DC FOIA specifically designates several categories of information as public information that must be disclosed even in the absence of a written request pursuant to section 202. In 2004, the Council amended section 206(a), adding a new paragraph (6A) specifically to make public certain additional materials, including “[b]udget requests, submissions,

and reports available electronically that agencies, boards, and commissions transmit to the Office of the Budget and Planning during the budget development process” The amendment sheet that proposed this change to DC FOIA stated that the goal of adding the new paragraph (6A) was to “expand public access to key budget documents so that residents can participate more fully in the budget dialogue,” and to “promote accountability by making the financial operations of the District government more transparent.” Notwithstanding the Council’s stated intent in enacting paragraph (6A), the Mayor consistently has failed to make public the specific materials described therein. Moreover, in response to a recent request submitted pursuant to section 202 of DC FOIA, the Mayor refused to provide the requestor the agency budget requests transmitted to the OCFO by DCPS and OSSE in connection with the preparation of the Fiscal Year 2019 budget.

The requestor who sought the Fiscal Year 2019 agency budget requests from DCPS and OSSE challenged the Mayor’s withholding of those requests in D.C. Superior Court, and the court ruled in the requestor’s favor, rejecting the Mayor’s claim that the budget requests are protected by the deliberative-process privilege and therefore exempt from disclosure under section 204(a)(4) and (e) of DC FOIA. The court then ordered that those agency budget requests be produced to the requestor and that all documents described in section 206(a)(6A) be made publicly available. However, the Mayor has appealed those rulings and now seeks to have the D.C. Court of Appeals reverse the Superior Court’s holding that the documents described in section 206(a)(6A) are not subject to withholding under section 204(a)(4) and (e). *See District of Columbia v. Terris, Pravlik & Millian, LLP*, No. 21-CV-543. Although the current provisions of DC FOIA already preclude the Mayor from withholding those documents pursuant to section 204(a)(4) and (e) (as the D.C. Superior Court recently concluded), this subtitle would foreclose any possible contrary reading of those provisions and would clarify that the Mayor may not rely on the deliberative-process privilege or other common-law and statutory privileges as a basis for withholding the documents and information described in section 206(a)(6A). Moreover, the subtitle applies this clarification retroactively as of the effective date of the legislation enacting section 206(a)(6A), so that it governs the public disclosure of any documents described in section 206(a)(6A) that were created on or after December 7, 2004, and applies to any request made pursuant to section 202 for such documents, regardless of the date on which it may have been made.

III. SECTION BY SECTION ANALYSIS

Sec. XX01. Short title.

Sec. XX02. Clarifies that the Mayor may not rely on the exemptions set forth in section 204(a)(4) and (e) of DC FOIA to withhold certain budget requests, submissions, and reports transmitted by agencies, boards, and commissions to the OCFO during the budget development process, as well as certain other documents described in and made public by section 206(a)(6A) of DC FOIA.

Sec. XX06. Sets the applicability of the subtitle to December 7, 2004.

IV. LEGISLATIVE RECOMMENDATION

TITLE I, SUBTITLE COW-B. FOIA DISCLOSURE CLARIFICATION.

Sec. XXX1. Short title.

This subtitle may be cited as the “Agency Budget Request Freedom of Information Clarification Amendment Act of 2022”.

Sec. XXX2. The Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 et seq.), is amended as follows:

(a) Section 204 (D.C. Official Code § 2-534) is amended by adding a new subsection (c-1) to read as follows:

“(c-1) Notwithstanding any other provision of law, no document or information described in section 206(a)(6A) that was created on or after December 7, 2004, shall be exempt from disclosure pursuant to subsections (a)(4) and (e) of this section.”.

(b) Section 206 (D.C. Official Code § 2-536) is amended by adding a new subsection (d) to read as follows:

“(d)(1) Notwithstanding any other provision of law, no document or information described in subsection (a)(6A) of this section that was created on or after December 7, 2004, shall be exempt from disclosure pursuant to section 204(a)(4) and (e).

“(2) In addition to making such document or information public information pursuant to subsection (a) of this section, a public body shall provide any document or information described in subsection (a)(6A) of this section that was created on or after December 7, 2004, to a person who has requested to inspect or copy it pursuant to section 202, regardless of the date on which such request may have been made.”.

Sec. XXX3. Applicability.

175 This subtitle shall apply as of December 7, 2004.

TITLE COW-B MASTER FACILITIES PLAN IMPLEMENTATION

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to change the date by which the schools Master Facilities Plan must be adopted. The Master Facilities Plan requirement was amended as part of Bill 24-1, the Comprehensive Plan Amendment Act of 2021. The provision was subject to appropriation. However, the Committee is recommending funding be included in the Fiscal Year 2023 budget. A conforming repeal of the subject to appropriations clause is also included above.

II. COMMITTEE REASONING

The Committee is recommending \$800,000 in funding for the Deputy Mayor for Education to complete the Master Facilities Plan. However, because the projected report due date in the Comprehensive Plan as adopted was December 15, 2022, the date must be pushed forward one year to December 15, 2023.

III. SECTION BY SECTION ANALYSIS

Sec. XX01. Short title.

Sec. XX02. Changes the date for completion of the Master Facilities Plan.

IV. LEGISLATIVE RECOMMENDATION

176 **TITLE IV, SUBTITLE COW-B. MASTER FACILITIES PLAN.**

177 Sec. XX01. Short title.

178 This subtitle may be cited as the “Master Facilities Plan Implementation Amendment Act
179 of 2022”.

180 Sec. X002. Section 1104(a)(6) of the School Based Budgeting and Accountability Act of
181 1998, effective March 26, 1999 (D.C. Law 12-175, D.C. Official Code § 38-2803(a)(6)) is
182 amended by striking the date “December 15, 2022” and inserting the date “December 15, 2023”
183 in its place.

TITLE COW-C

UNIVERSITY OF THE DISTRICT OF COLUMBIA MATCHING FUNDS

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 \$2 million. UDC must raise the matching funds by April 1, 2023.

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.¹⁵³ For every dollar UDC raised in private donations, up to a maximum of a million dollars, the District matched those donations dollar for dollar. While the University was unsuccessful in raising private funds in fiscal year 2014 for this match, the Council agreed to extend the match opportunity to the University again in fiscal year 2015. UDC rose to the challenge that year and again in 2016.

Starting in fiscal year 2017, the Council put forth more stringent match requirements – for every two dollars the University raised, it would receive a dollar, up to \$1.5 million. The University was just short of fulfilling the match in fiscal year 2017, but in fiscal year 2018, it raised over \$3.4 million. It also met the match in fiscal year 2019 for a total of \$4.5 million.¹⁵⁴ While UDC was working toward meeting the match again in fiscal year 2020, its fundraising efforts were stalled by the COVID-19 global pandemic. Thus, the Committee approved UDC’s request for the match requirements for fiscal year 2020, that it be amended to a one-to-one match ratio so UDC would receive the full \$1.5 million match. Given UDC’s financial needs because of the global

¹⁵³ Title X, Sec. 10002 of D.C. Law 20-61, the Fiscal Year 2014 Budget Support Act of 2013.

¹⁵⁴ \$3 million raised by the University and \$1.5 million, in matching funds, from the District government.

pandemic and because the pandemic has hindered greatly fundraising by all institutions, including UDC, the Council agreed to also keep the match requirements for fiscal year 2021 to a one-to-one match ratio.¹⁵⁵ The maximum amount of the fundraising match remained at \$1.5 million.¹⁵⁶

The Committee returned to a 2:1 ratio – for every two dollars that the UDC raised, it received one dollar, up to a maximum of \$1.5 million in fiscal year 2022. The Committee recognized that UDC preferred the more relaxed match requirements, as the change was only due to the COVID-19 pandemic.

At the proposed fiscal year 2023 budget hearing, President Mason testified of positive fundraising outcomes and requested a 1:1 ratio with a \$2 million maximum— for every dollar that the UDC raises, it will receive one dollar, up to a maximum of \$2 million in fiscal year 2023. The Committee agrees. Since the match’s inception, 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 returned 1:1 ratio, up to a \$2 million maximum match.

III. SECTION BY SECTION ANALYSIS

Sec. 3001. Short title.

Sec. 3002. Indicates that for every dollar that UDC raises from private donations by April 1, 2023, one dollar of non-departmental funds shall be transferred to the University.

IV. LEGISLATIVE RECOMMENDATION

184 **SUBTITLE COW-C. UNIVERSITY OF THE DISTRICT OF COLUMBIA**

185 **FUNDRAISING MATCH**

186 Sec. 3001. Short title.

187 This subtitle may be cited as the “University of the District of Columbia Fundraising

188 Match Act of 2023”.

¹⁵⁵ Title 1, Sec.105 of D.C. Act 23-286, the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020. This amendment moved the deadline for fundraising from April 1, 2020 to May 1, 2020 to provide the University with additional time to receive all eligible fundraising given COVID-19.

¹⁵⁶ *Id.*

189 Sec. 3002. (a) In Fiscal Year 2023, of the funds allocated to the Non-Departmental
190 agency, \$1 shall be transferred to the University of the District of Columbia (“UDC”) for every
191 \$1 that UDC raises from private donations by April 1, 2023, up to a maximum transfer of \$2
192 million.

193 (b) Of the amount transferred to UDC pursuant to subsection (a) of this section, no less
194 than one-third of the funds shall be deposited into UDC’s endowment fund.

TITLE COW-D EARLY CHILD EDUCATOR PAY EQUITY SCALE

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

The purpose of this subtitle is to permanently implement a long-term funding mechanism of an updated scale to early child educators.

II. COMMITTEE REASONING

The Birth-to-Three for All DC Act of 2018, requires the Office of the State Superintendent of Education (“OSSE”) to develop an updated compensation scale for child-development facilities to achieve compensation parity with elementary school teachers employed by the District of Columbia Public Schools (“DCPS”), considering teacher roles, credentials, and experience. To date, OSSE has not developed the salary scale nor completed an updated cost of care analysis, both of which are called for in the law before pay parity scaling begins. 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”). There are fourteen Task Force members, each of whom brought the perspectives of their respective networks of interested stakeholders. The Task Force is charged with proposing an employee compensation scale for early childhood-development providers and recommending a permanent system to implement a new employee compensation scale.

The Task Force has since commenced its work and released two reports. The first report recommended a “direct-to-educator” short-term mechanism that would quickly disburse fiscal year 2022 funds to eligible educators. Further, 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. OSSE

is moving expeditiously with this process to get funds out to educators in the spring of 2022. 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 considers role, credential, and experience. It also includes priorities for accountability and oversight, and anticipated program and administrative costs for the long-term mechanism. In addition, the report identifies potential risks and unintended consequences, along with potential mitigation strategies.

III. SECTION BY SECTION ANALYSIS

Sec. 4001. Short title.

Sec. 4002. This section amends the Section 5102 of the Early Childhood Educator Pay Equity Fund Establishment Act of 2021 to authorize OSSE to continue to implement direct payments to childcare workers through a sole source contract through the end of fiscal year 2023. This also authorizes OSSE, in fiscal year 2023 and future years, to use excess Pay Equity Funds to enter into an agreement with DC Health Link to increase access to, or reduce the costs of, health benefits for child development facilities and employees participating in the pay equity fund.

Sec. 4003. This section amends the Day Care Act of 1979 to create a new funding stream for childcare providers. This funding stream is added to the childcare subsidy system as a second, separate funding stream for childcare providers, including both those who participate in subsidy and those who do not. This section also makes youth in the care of the District categorically eligible for child care subsidies without requiring foster parents to provide additional documentation of income, employment, or training.

Sec. 4004. This section clarifies that payments issued in accordance with the Early Childhood Educator Pay Equity Fund Establishment Act of 2021 in Fiscal Year 2022 and in Fiscal Year 2023 are to be excluded from calculations of income or assets, for purposes of the Public Assistance Act. This means that any lump payments issued according to the Task Force's recommendations in Fiscal Year 2022 or 2023 are not considered income and that the educators' benefits will not be adjusted due to these payments.

IV. LEGISLATIVE RECOMMENDATION

195 **SUBTITLE VI. EARLY CHILDHOOD EDUCATOR PAY EQUITY**

196 **CLARIFICATION**

197 Sec. 4001. Short title.

This subtitle may be cited as the “Early Childhood Educator Pay Equity Fund
Amendment Act of 2022”.

Sec. 4002. Section 5112 of the Early Childhood Educator Pay Equity Fund Establishment
Act of 2021, effective November 13, 2021 (D.C. Law 24-45; D.C. Official Code § 1–325.431), is
amended as follows:

(a) Subsection (a) is amended by striking the phrase “Education in” and inserting the
phrase “Education (“OSSE”) in” in its place.

(b) Subsection (c) is amended to read as follows:

“(c) The Fund shall be used to:

“(1) Support the implementation of the employee compensation scale established
and updated pursuant to section 11b(b) of the Day Care Policy Act of 1979, effective September
19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-410b).

“(1A) With funds appropriated in Fiscal Years 2022 and 2023, implement an
early educator pay parity program that will provide direct payments to assistant and lead teachers
who elect to participate in the program as follows; provided, that an employee may elect to
receive less than the stated amount:

“(A) \$10,000 each year if the employee is an assistant teacher;

“(B) \$14,000 each year if the employee is a lead teacher;

“(1B) Beginning in Fiscal Year 2023 and in any future fiscal year in which funds
available for the Fund exceed those required to support other uses authorized pursuant to this
subsection, reduce health insurance premiums paid by early childhood development providers or
eligible employees of childhood development providers, pursuant to an agreement with the DC
Health Benefit Exchange;

“(2)(A) Pay OSSE administrative costs related to implementing the early educator pay parity program authorized in paragraph (1A) of this subsection or increasing the minimum compensation for employees of early childhood development providers pursuant to a salary scale passed or approved by the Council, including:

“(i) Personnel costs;

“(ii) Grantee or vendor costs related to distributing pay supplements to early educators;

“(iii) Costs related to providing technical assistance to early childhood development providers; or

“(iv) Costs of conducting outreach to early childhood educators and early childhood development providers in Fiscal Year 2022 and in Fiscal Year 2023 to support the implementation of the Fund.

“(B) Administrative costs authorized to be paid pursuant to subparagraph (A) of this paragraph shall not exceed \$5,390,878 in Fiscal Years 2022 and 2023 and, in any fiscal year thereafter, 5% of the annual amount deposited in the Fund.”.

(c) A new subsection (d-2) is added to read as follows:

“(d-2) Notwithstanding contrary provisions of the District of Columbia Public Assistance Act of 1982, as effective April 6, 1982, (D.C. Law 4-101; D.C. Official Code § 4-205.01 *et seq.*) (“Public Assistance Act”), in Fiscal Years 2022 and 2023, lump-sum payments an individual receives pursuant to subsection (c)(1A) of this section shall not be counted as income or assets for the purposes of determining eligibility or calculating benefits under the Public Assistance Act unless the payments are disbursed pursuant to the early childhood educator salary formula

established pursuant to section 3(c) of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-402(c)).

(d) A new subsection (f) is added to read as follows:

“(f) Notwithstanding § 1-328.13, the OSSE may enter into a sole source grant agreement covering Fiscal Years 2022 and 2023 for the purpose of implementing the early educator pay parity program by distributing direct payments to employees of early childhood development providers, as authorized pursuant to subsection (c)(1A) of this section.”.

Sec. 4003. The Daycare Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code § 4-401 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 4-402) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) The Department is further authorized to provide supplemental payments to child development facilities licensed pursuant to D.C. Official Code § 7-2034 to implement the salary scale established and updated pursuant to section 410b(b) (“salary scale”). The Department shall:

(1) Establish and periodically update an early childhood educator salary funding formula (“ECE salary formula”), which the Department shall use to issue payments from the Early Childhood Educator Pay Equity Fund to licensed child care providers to implement the minimum salaries provided in the salary scale;

(2) Publish a recommended salary schedule, consistent with the minimum salaries in the salary scale, which shall include pay bands or steps that reflect proposed salary increases based on experience or time-in-position;

265 (3) Establish requirements for licensed child development facilities to receive
266 ECE salary formula funds;
267 (4) Execute contracts or agreements with licensed child development providers to
268 govern Department distribution and provider use and administration of ECE salary formula
269 funds, which shall:
270 (A) Be renewed not less than once every three years;
271 (B) Describe the basis on which provider ECE salary formula payments
272 will be calculated;
273 (C) Provide a schedule of payments;
274 (D) State requirements for participating providers and remedies for failure
275 to meet requirements; and
276 (C) Specify reporting and auditing requirements for participating
277 providers; and
278 (4) Ensure that licensed child care providers that receive ECE salary formula
279 funds pay teachers, assistant teachers, home caregivers, expanded home caregivers, and associate
280 caregivers employed by the providers wages or salaries, on a regular basis, that meet or exceed
281 the minimum salaries in the salary scale applicable for an employee's role and credentials.
282 “(c)(1) By April 1, 2023, OSSE shall publish the first ECE salary formula, which shall be
283 based on the recommendations in the Final Report of the Early Childhood Educator Equitable
284 Compensation Taskforce and take into account the cost modeling analysis conducted pursuant to
285 section 11a(b). The ECE salary formula shall incorporate the estimated cost for child
286 development providers to implement the minimum salaries specified in section 11b(b). The

publication shall include the estimated total cost of payments to be made to child development providers for the upcoming fiscal year.

“(2) The proposed ECE salary formula shall account for valid and reliable indicators of child, family or community economic disadvantage and resources, in order to direct increased funding to providers serving families and communities with fewer economic resources.”.

(b) Section 5a(a) (; D.C. Official Code § 4-404.01(a)) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase “when the foster care provider is working, if only one foster care provider is in the home, when both foster care providers are working, if 2 foster care providers are in the home, and child care services are in the best interest of the child”.

(2) Paragraph (7) is repealed.

(3) Paragraph (8) is repealed.

(c) Section 11a (D.C. Official Code § 4-410.01) is amended to read as follows:

“Sec. 11a. Studies of child development facilities for infants and toddlers.

“(a) OSSE shall make public its payment rates for child development facilities by October 1 of each year.

“(b) By April 1, 2023, February 1, 2024, and on a triennial basis thereafter, OSSE shall conduct a cost modeling analysis to estimate the operating costs for child development facilities to implement the salary scale established and updated pursuant to section 11b(b).

“(c) By February 1, 2024, and on a triennial basis thereafter, OSSE shall submit a report to the Council that includes:

“(1) The findings from the cost modeling analysis, updated to include the current salary scale;

“(2) A description of the methodology used to determine the cost of care, including the salary scale and an analysis of child development facilities that assesses:

“(A) Quality rating under the Quality Rating and Improvement System;

“(B) Type of facility;

“(C) Number and age of children served and number of classrooms per age group;

“(D) Proportion and reimbursement rate of children served who participate in the child care subsidy program;

“(E) Staffing costs associated with applying the salary scale, including benefits; and

“(F) Whether the facility participates in a shared service alliance, including the Quality Improvement Network.”.

(e) Section 11b (D.C. Official Code 4-410.02) is amended to read as follows:

“Sec. 11b. Payments to child development facilities.

(a) By October 1, 2024, and on a triennial basis thereafter, OSSE shall establish payment rates for child development facilities providing care for children ages birth to five. Subject to available appropriations, the rate shall be sufficient to, when combined with ECE salary formula payments, provide a child development center and child development home with funding to operate based on a cost modeling analysis that incorporates costs incurred as a result of implementing the salary scale established and updated pursuant to subsection (b) of this section.

“(b) Beginning in Fiscal Year 2024, child development providers who enter into a contract or agreement with OSSE to receive monies from the Early Childhood Educatory Pay Equity Fund shall use such monies to achieve, at minimum, the salaries for assistant and lead teachers listed in Tables 1 and 2:

Table 1: Assistant Teacher Minimum Salaries	
Credential Level	Minimum salary
Less than a CDA	\$39,250/year (\$19/hour)
CDA	\$45,488/year (\$21.85/hour)
AA	\$48,216/year (\$23.18/hour)

Table 2: Lead Teacher Minimum Salaries	
Credential Level	Minimum salary
CDA or 48 credit hours with greater than or equal to 15 credit hours in ECE	\$48,216 (\$23.18/hour)
AA in ECE or AA with greater than or equal to 24 credit hours in ECE	\$56,725 (\$27.27/hour)
BA in ECE or BA with greater than or equal to 24 credit hours in ECE	\$66,735 (\$32.08/hour)

“(b)(1) Beginning January 31, 2023, and annually by January 31 thereafter, OSSE shall propose updates to Tables 1 and 2 to reflect minimum early childhood educator salaries for the following fiscal year. The proposed updates shall reflect the following principles:

“(A) The minimum salary for a lead teacher with a BA in ECE or a BA with greater than or equal to 24 credit hours in ECE shall be equal to or greater than the minimum salary of a full-time, 12-month teacher with a BA employed by the District of Columbia Public Schools.

“(B) The minimum salary for a lead teacher with an AA in ECE or an AA with greater than or equal to 24 credit hours in ECE shall be 85% of the minimum salary of a lead teacher with a BA in ECE or a BA with great than or equal to 24 credit hours in ECE;

“(C) The minimum salary for a lead teacher with a CDA or 48 credit hours with greater than or equal to 15 credit hours in ECE shall be 85% of the minimum salary of a lead teacher with an AA in ECE or an AA with greater than or equal to 24 credit hours in ECE;

“(D) The minimum salary for an assistant teacher with an AA shall be equal to the minimum salary of a lead teacher with a CDA or 48 credit hours with greater than or equal to 15 credit hours in ECE;

“(E) The minimum salary for an assistant teacher with a CDA shall be equal to 94% of the minimum salary for an assistant teacher with an AA;

“(F) Each salary level shall annually increase in proportion to the annual average increase, if any, in the Consumer Price Index for All Urban Consumers in the Washington Metropolitan Statistical Area published by the Bureau of Labor Statistics of the United States Department of Labor for the previous calendar year, rounded to the nearest multiple of \$.05.

“(2) The Mayor shall include the updated tables in the Mayor’s annual budget submission to the Council.”.

362 Sec. 4004. Section 47-1803.02(a)(2) of the District of Columbia Official Code is
363 amended by adding a new subparagraph (RR) to read as follows:
364 “(RR) Lump-sum payments an individual receives from the early educator
365 pay parity program created and implemented pursuant to section 5102(c)(1A) of the Early
366 Childhood Educator Pay Equity Fund Establishment Act of 2021, effective November 13, 2021
367 (D.C. Law 24-45; D.C. Official Code § 1-325.431).”.

TITLE COW-E CENTRAL FOOD FACILITY SITING AND FEASIBILITY STUDY

I. PURPOSE, EFFECT, AND IMPACT ON EXISTING LAW

This subtitle would require the Office of Planning to conduct a siting and feasibility study for a central food processing facility in the District.

II. COMMITTEE REASONING

In June 2021, the Office of Planning and the Food Policy Council published a report entitled an Assessment of a Central Food Processing Facility (“CPF”) for Washington, D.C., as required by the Healthy Students Amendment Act of 2018. The report provides an assessment of how the District could design and manage a Central Food Processing Facility to improve the nutritional quality of meals served in public institutions in the District (such as senior centers, schools, and correctional facilities), support local food businesses, shore up the District’s food systems resilience, and create career pathways in the food sector.

As a solution at the intersection of human health and environmental sustainability, the potential benefits of a central food processing facility are manifold. A CPF will reduce reliance on major food service contracts by supporting the ability of District agencies, such as D.C. Public Schools, to shift from external food service management to self-operations. In addition, a CPF will strengthen the local food supply chain. By creating a food hub in the District for storage, aggregation, and processing, a CPF will bring the regional food supply closer to consumers, reducing the District’s reliance on transportation nodes and national supply chains. This, in turn, will make the local food system more resilient in the face of future supply chain disruptions,

provide infrastructure support for local businesses, regional farms, and food access organizations, as well as increase year-round availability of local nutritious foods.

Other benefits include fortifying the District’s emergency food preparedness response and supporting the local food economy. A central food processing facility can serve as critical food preparedness infrastructure to sort, pack, process, and distribute food aid to residents in the event of future emergencies, and also has the potential to serve as a major job creation and workforce development facility by providing workforce training and job opportunities in food processing and preparation. Finally, a central processing facility can reduce the carbon footprint of the District’s food system by strengthening the District’s access to, and institutional procurement of, regional produce, as well as through composting initiatives, reusing foods that are aggregated by local producers for feeding efforts, and recovering food from businesses to be used in food production.

The report published by the DC Office of Planning and the Food Policy Council evaluates the impact of a central food processing facility on the region, operational best practices, and facility infrastructure by looking to other jurisdictions that have established such a facility. The next step is for the District to conduct a feasibility and siting study to assess the cost, return on investment, and revenue generation potential of a facility, and identify a suitable site for the facility, capable of meeting the District’s needs. Thus, the Committee recommends the inclusion of a subtitle in the Budget Support Act that requires the Office of Planning to conduct such a feasibility and siting study.

III. SECTION BY SECTION ANALYSIS

Sec. XX01. Short title.

Sec. XX02. Changes the date for completion of the Master Facilities Plan.

IV. LEGISLATIVE RECOMMENDATION

368 **SUBTITLE X. CENTRAL FOOD PROCESSING FACILITY SITING AND**
369 **FEASIBILITY STUDY**

370 Sec. XX01. Short title.

371 This subtitle may be cited as the “Central Food Processing Facility for the District Siting
372 and Feasibility Study Act of 2022”.

373 Sec. XX02. Siting and feasibility study.

In Fiscal Year 2023, the Office of Planning (“OP”) shall oversee the execution of a siting and feasibility study for a central food processing facility (“CFPF”) in the District. The study shall be administered by OP but conducted jointly by OP, the District of Columbia Public Schools (“DCPS”), and the Department of General Services. The study shall include:

(1) A comprehensive business plan for the development and operation of a CFPF, which assesses the cost, return on investment, and revenue generation potential of a CFPF, and incorporates the following:

(A) An analysis of the needs of the facility to support DCPS in transitioning to in-house food services;

(B) An analysis of the scale of demand for food businesses to use incubator and cold/dry storage space;

(C) A determination of which agency will manage the facility; and

(D) A list of aligned partners, both locally and regionally, to create economic supports for revenue generation and purchasing;

(2) A description of a location for a CFPF, along with any land use and zoning requirements or considerations; and

(3) A description of any transportation and environmental impact studies that would have to be completed.

COMMITTEE ACTION
