

AN ACT

*Codification
District of
Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 to define special education school, to apply the Uniform Per Student Funding Formula to the University of the District of Columbia for adult education purposes, to adjust the weighting for summer school, to apply a 0.17 weighting to public school and public charter school students enrolled for at least 6 weeks during the summer following the regular school year, to change the date of which annual appropriations pursuant to the Per Student Funding Formula is based from October 1, to October 5, of the preceding fiscal year for which the appropriation is made, to require that the State Education Office commission an audit of student counts instead of the Mayor, to require annual appropriations for the University of the District of Columbia to include a line item restricted to adult education, to require the University of the District of Columbia to submit projections of its adult education enrollment as part of its annual budget submission to the Mayor, to require the adult education enrollment to be verified by procedures established by the State Education Office, to change the date of the second installment of the annual payment to public charter schools from October 15, to October 25, to provide special rules for the annual payment for public charter schools for FY 2001, during the existence of a Continuing Resolution, and for alternative and special education schools, and to provide the process for establishing the annual facilities allowance for public charter schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Temporary Amendment Act of 2001".

Sec. 2. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998 is amended as follows:

(a) Section 102 is amended by adding a new paragraph (11A) to read as follows:

"(11A) "Special education school" means a specialized instructional program for students with disabilities as described in paragraph (11) of this section whose individual education plan calls for full-time placement in special education services."

(b) Section 103 is amended as follows:

(1) Subsection (a) is amended by adding a new sentence at the end to read as follows:

"For purposes of adult education only, as defined in section 102(1), the Formula shall apply to the University of the District of Columbia ("UDC")."

(2) Subsection (b) is amended by striking the phrase "and for" and inserting the phrase ", for public charter schools, and for the adult education program of UDC" in its place.

(3) Subsection (c) is repealed.

(c) Section 106 is amended as follows:

(1) The chart in subsection (c) is amended by striking the phrases "+ 0.10" and "\$550" and inserting the phrases "up to +0.17 pro rata" and "up to \$935 pro rata" in their respective places.

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

"(e) The summer school weighting of 0.17 shall apply to DCPS and public charter school students enrolled for at least 6 weeks during the summer following the regular school year. Summer school students enrolled for a lesser period shall be funded for the number of days in that period on a pro rata basis."

(d) Section 107 is amended as follows:

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

"(a) Annual appropriations for the DCPS pursuant to the Formula shall be based on the number of resident students enrolled in the DCPS as of October 5 in the year preceding the fiscal year for which the appropriation is made."

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

"(e) The student counts reported for October 5 each year shall be verified by an independent contractor commissioned by the State Education Office. The independent contractor shall perform a census on the student enrollment of each DCPS and of each public charter school. The verification process shall begin no later than one week following the day on which the count is taken. The verification shall cover the information required by section 2402 of the District of Columbia School Reform Act of 1995 ("School Reform Act"), and shall be transmitted by the State Education Office to the Mayor, the Council, the Authority, the Comptroller General of the United States, and the appropriate congressional committees no later than the following December 31. Until the verification is transmitted, the unaudited October counts shall serve as the basis for the annual appropriations for the following fiscal year and for quarterly payments to the public charter schools."

(3) New subsections (g), (h), and (i) are added to read as follows:

"(g) Annual appropriations for UDC shall include a line item restricted to adult education based on the number of resident FTE adult education students projected to be enrolled during the fiscal year.

"(h) UDC shall submit projections of its adult education enrollment as part of its annual

budget submission for the following fiscal year to the Mayor. The Mayor and Council may change the projection in order to adjust the amount of the adult education appropriation to UDC.

"(i) The FTE adult education enrollment of UDC shall be verified by procedures to be established by the State Education Office. If in any given fiscal year, the enrollment is found to be less than the projected number that served as the basis for that year's appropriation, funds attributable to the excess shall revert to the District of Columbia's General Fund pursuant to procedures to be established by the Chief Financial Officer of the District of Columbia."

(e) Section 107a is amended as follows:

(1) Subsection (a) is amended by striking the phrase "October 15" and inserting the phrase "October 25" in its place.

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

"(b)(1) Except as provided in paragraphs (3) and (4) of this subsection, each payment shall be 1/4 of each public charter school's entitlement determined as follows: The basis of the July 15 payment to a public charter school shall be the estimate used in the June 30 quarterly report submitted by the eligible chartering authorities pursuant to section 2402(a) of the School Reform Act of the number of students that will be enrolled at that public charter school on October 5, and the basis of the October 25 payment shall be the unaudited numbers for that school contained in the reports submitted by the eligible chartering authorities on October 5. The basis of the January 15 and April 15 payments shall be the audited October enrollment numbers; provided, that these amounts shall be adjusted in accordance with the provisions of subsection (c) of this section.

"(2) Special rule for Fiscal Year 2001. The payment of October 15, 2000, shall be 50% of each public charter school's entitlement based on its unaudited October 5 enrollment count.

"(3) Special rule for periods when funding is provided through a Continuing Resolution. If payments to public charter schools become due on a date when District of Columbia appropriations have not yet been enacted for the fiscal year in which the payments are due, the Chief Financial Officer of the District of Columbia shall provide payments for new public charter schools and increased enrollments in other public charter schools from any unexpended and unobligated funds held in escrow pursuant to paragraph (4) of this subsection.

"(4)(A) Special rule for alternative and special education schools. Upon application to the Chief Financial Officer of the District of Columbia, and within the enrollment ceilings of their charters, alternative education and special education public charter schools may receive payment for any student enrolling after October 5, on a pro rata basis from the date on which the school begins to provide services to that student; provided, that the student constitutes a net increase to the school's enrollment as of that date.

"(B) Upon application by an alternative or special education public charter school, the Chief Financial Officer of the District of Columbia is authorized to make any given quarterly payment to an alternative or special education public charter school up to 3

months in advance based upon the budgeted funds for the approved projected program slots of the public charter school. Additionally, during the first year of operation, repayment of the loan advance for start-up cost shall be suspended until the alternative or special education public charter school primarily serving level 4 and level 5 students reaches 80% of the projected enrollment. If the alternative or special education public charter school has not reached 80% of its projected enrollment by its January disbursement, 50% of the loan repayment shall be deferred until the next fiscal year."

(3) Subsection (c) is amended by striking the phrase "October 15" and inserting the phrase "October 25" in its place.

(4) Subsection (d) is amended by adding the phrase "to each payment" after the phrase "shall be added".

(f) Section 109 is amended to read as follows:

"(a)(1) The annual facility allowance for public charter schools shall be determined as follows: Starting with FY 1998, the total funds being estimated from all sources for each year's DCPS capital improvement program shall be divided by the October DCPS pupil count, as defined in section 107, for the same fiscal year to determine the DCPS per pupil facility cost for that year.

"(2) Each year's DCPS per pupil facility cost shall be averaged with those of prior years to calculate a moving average until a total of 5 years are included in the calculations. Thereafter, the calculations shall include the most recent 5 years. This moving average shall constitute the per pupil facility allowance for the succeeding fiscal year, to be paid as prescribed in this subsection.

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

Sec. 3. Fiscal impact statement.

The fiscal impact statement is attached.

Sec. 4. Effective date.

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

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December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia