

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 28.
SCHOOL-BASED BUDGETING AND
ACCOUNTABILITY.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 28. SCHOOL-BASED BUDGETING AND
ACCOUNTABILITY.

TABLE OF CONTENTS

Subchapter I. General.

- § 38-2801. Annual budget required.[Repealed]
- § 38-2802. Personnel files.
- § 38-2803. Facilities Master Plan; annual updates.
- § 38-2804. Allocation of funds to each school system.
- § 38-2805. Reform implementation plans.
- § 38-2806. Accountability Plan.
- § 38-2807. District of Columbia public school funding.

Subchapter II. Budgeting.

- § 38-2831. Budget submission requirements.

CHAPTER 28. SCHOOL-BASED BUDGETING AND ACCOUNTABILITY.

SUBCHAPTER I. GENERAL.

§ 38-2801. ANNUAL BUDGET REQUIRED.[REPEALED]

(Mar. 26, 1999, D.C. Law 12-175, § 1102, 45 DCR 7193; Sept. 24, 2010, D.C. Law 18-223, § 4033, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-151.

Emergency Act Amendments

For temporary addition of subchapter, see §§ 702-708 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), and §§ 702-708 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669).

For temporary (90-day) addition of Chapter 1B [1981 Ed.], see §§ 702 to 708 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

For temporary (90 day) repeal of section, see § 4033 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

Law 12-175, the "Fiscal Year 1999 Budget Support Act of 1998," was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

For Law 18-223, see notes following § 38-103.

Miscellaneous Notes

School Based Budgeting and Accountability Act of 1998: Section 1101 of D.C. Law 12-175 provided that title XI of the act may be cited as the "School Based Budgeting and Accountability Act of 1998."

§ 38-2802. PERSONNEL FILES.

The District of Columbia Public Schools ("DCPS") shall, by December 31, 1998, contract with a firm experienced in human resource management to comprehensively rebuild all DCPS employee personnel files.

(Mar. 26, 1999, D.C. Law 12-175, § 1103, 45 DCR 7193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-152.

Emergency Act Amendments

For temporary addition of subchapter see notes to § 38-2801.

For temporary (90-day) addition of Chapter 1B [1981 Ed.], see notes following § 38-2801.

For legislative history of D.C. Law 12-175, see Historical and Statutory Notes following § 38-2801.

§ 38-2803. FACILITIES MASTER PLAN; ANNUAL UPDATES.

(a)(1) Beginning on December 15, 2012 and every 5 years thereafter, the Mayor shall prepare and submit to the Council for its review and approval a comprehensive 5-year Master Facilities Plan for public education facilities, along with a proposed resolution, in accordance with this section. The Council shall vote on the 5-year Master Facilities Plan concurrently with its vote on the Mayor's capital budget proposal. If approved by the Council, the 5-year Master Facilities Plan shall take effect on the first day of the succeeding fiscal year.

(2) The Council shall conduct at least one public hearing on the proposed 5- year Master Facilities Plan before approval.

(3) If, subsequent to Council approval of the 5-year Master Facilities Plan, material changes to the plan become necessary, the Mayor may modify the plan; provided, that any modification shall be submitted to the Council for review and approval along with the Mayor's annual submission of a capital budget recommendation for public schools.

(b)(1) The Mayor shall establish an Office of Public Education Facilities Planning ("OPEFP") within the Office of the Deputy Mayor for Education responsible for the development of the Master Facilities Plan, which shall function as a citywide public education facilities plan.

(1A) Beginning on April 15, 2013, the Department of General Services shall conduct an annual survey to update information on the enrollment, utilization, and condition of each public school facility and shall make the information available to the public on the Mayor's website by December 1st of each year.

(2) The OPEFP shall include in the Master Facilities Plan detailed, current analyses and data on:

(A) The facilities condition assessment for each school building and facility under the control and jurisdiction of the District of Columbia Public Schools;

(B) The capacity of existing schools, current level of utilization, and recommendations for the utilization or reduction of excess space, including, as appropriate, specific recommendations on:

(i) Consolidation;

(ii) Closure; and

(iii) Co-location;

(C) Historical and projected enrollment;

(D) Current and projected demographic information for the surrounding neighborhood;

(E) Other neighborhood issues, in coordination with the Office of Planning;

(F) A school-by-school description relating facility needs and requirements to:

(i) The facility's programmatic usage with specific linkages and relationships to adopted education plans of a local education agency, school district, or institution, including specific plans for special education, early childhood education, and career and technical education programs; and

(ii) The statewide education and youth development plan described in § 38- 191, and how it enables schools to be centers of the community;

(G) A detailed facility portfolio analysis that will inform any decisions related to alternative financing options, including public/private development partnerships and co-location opportunities;

(H) A communications and community involvement plan for each school that includes engagement of key stakeholders throughout the community, including:

(i) Local school restructuring teams;

(ii) School improvement teams; and

(iii) Advisory Neighborhood Commissions;

(I) The coordination of the District's education sector with housing, health, and welfare sectors, and with economic development policies and plans;

(J) The location, planning, use, and design of the District's educational facilities and campuses; and

(K) Any school disposition, including a plan delineating the process through which citizen involvement shall be facilitated, and establishing the criteria that will be utilized in disposition decisions, one of which shall be consideration of the impact of any proposed new use of a school

building on the neighborhood in which the school building is located.

(3) The following agencies shall work with the OPEFP in the development of the Master Facilities Plan:

(A) The District of Columbia Public Schools, which shall transmit to the OPEFP educational plans and policies it considers relevant to the facilities planning process and provide the educational specifications for each facility subject to modernization;

(B) The Public Charter School Board, which shall:

(i) Transmit to the OPEFP educational plans and policies of individual public charter schools, data on existing public charter school facilities and facilities-related needs, and other information considered relevant to the planning process; and

(ii) Establish a Public Charter School facilities registry in which individual public charter schools will have the opportunity to register to receive facilities planning and technical support from the OPEFP, including the analyses and data compiled pursuant to paragraph (2) of this subsection;

(C) The Office of Planning, which shall provide demographic and neighborhood data support; and

(D) The Office of Public Education Facilities Modernization, which shall implement the Master Facilities Plan consistent with the policy priorities set forth in this chapter.

(4) Of the fiscal year 2011 capital funds appropriated to the Office of Public Education Facilities Modernization, it shall transfer:

(A) Up to \$500,000 to the Office of the Deputy Mayor for Education to support capital planning pursuant to subsection (b)(1) of this section; and

(B) An amount of \$100,000 to the District of Columbia Public Schools and \$100,000 to the Public Charter School Board to support capital planning activities as provided in paragraph (3) of this subsection.

(c) In developing the Facilities Master Plan, the Mayor shall consider the facilities needs of all public school students and shall consult with:

(1) The Council;

(2) The Director of the Office of Public Education Facilities Modernization;

(3) The Public Charter School Board;

(4) Representatives of public charter schools;

(5) The Public School Modernization Advisory Committee; and

(6) Key stakeholders throughout the community.

(d)(1) Beginning in fiscal year 2010, a Public School Facility capital improvement plan ("School Facility CIP") shall be updated each fiscal year as part of the Mayor's capital improvement plan for all public facilities, as required by § 1-204.44.

(2)(A) The School Facility CIP shall include for each school and other education facilities of DCPS and public charter schools, the following information:

(i) A description of the scope of work to be done and schedule of major milestones;

(ii) Justification for the work pursuant to the Master Facilities Plan;

(iii) A full-funded cost estimate of improvements planned for the next fiscal year and the succeeding 5 fiscal years;

(iv) The estimated cost of operating the improved facility, whether the new cost is more or less than the previous School Facility CIP estimate;

(v) The amount of capital funds expended in the prior fiscal year; and

(vi) The name, address, and ward of each project.

(B) Each School facility CIP shall:

(i) Meet the requirements listed in subsection (b) of this section;

(ii) Give due consideration to the record established by the testimony, and any exhibits, during the hearing required by paragraph (3) of this subsection; and

(iii) Be consistent with the policy of broad public participation, as stated in this section.

(3)(A) No more than 60 days or less than 30 days prior to the Mayor's submission of a School Facility CIP to the Council, and upon 15 days public notice, the Mayor shall conduct a public hearing to solicit the views of the public. In no event shall the hearing be prior to the annual submission by the Office of Public Education Facilities Modernization of its proposed budget to the Mayor.

(B) The Mayor shall transmit the record of the hearing to the Council at or before the public hearing on the annually submitted proposed budget for Office of Public Education Facilities Modernization.

(Mar. 26, 1999, D.C. Law 12-175, § 1104, 45 DCR 7193; Oct. 20, 2005, D.C. Law 16-33, § 4047, 52 DCR 7503; June 8, 2006, D.C. Law 16-123, § 221, 53 DCR 2843; June 12, 2007, D.C. Law 17-9, § 1009, 54 DCR 4102; Mar. 3, 2010, D.C. Law 18-111, § 4071, 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4122, 57 DCR 6242; Sept. 20, 2012, D.C. Law 19-168, § 4012, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-153.

Effect of Amendments

D.C. Law 16-33 substituted "June 30, 2006" for "December 31, 1998"; and deleted "There shall be a moratorium on disposition decisions until the facilities plan has been approved by the Council."

D.C. Law 16-123, designated the existing text as subsec. (a); in subsec. (a), substituted "multiyear Facilities Master Plan, which shall include" for "Long Range Master Facilities Plan which shall include annual updates to the facilities plan, as well as"; and added subssecs. (b), (c), and (d).

D.C. Law 17-9 rewrote subssecs. (a), (b)(1), (c), and (d), which had read as follows:

"(a) The District of Columbia Public Schools shall, by June 30, 2006, submit to the Council for review and approval a revised and comprehensive multiyear Facilities Master Plan, which shall include a school disposition plan delineating the process through which citizen involvement shall be facilitated, and establishing the criteria that shall be utilized in disposition decisions, one of which must be consideration of the impact of any proposed new use of a school building on the neighborhood in which the building is located."

"(1) The facilities condition assessment for each school building and facility under the control and jurisdiction of the Board of Education;"

"(c) In developing the Facilities Master Plan, the Superintendent and Board of Education shall consult with the Mayor, the Council, the Public Charter School Board, representatives of public charter schools, and the Public School Modernization Advisory Committee, and shall consider the facilities needs of all public school students.

"(d) The Board of Education shall review and update the Facilities Master Plan every 3 years."

D.C. Law 18-111 rewrote the section, which had read as follows:

"(a) The District of Columbia Public Schools shall, by June 1, 2007, submit to the Council for review and approval a revised and comprehensive multiyear Facilities Master Plan, which shall include a school disposition plan delineating the process through which citizen involvement shall be facilitated, and establishing the criteria that shall be utilized in disposition decisions, one of which must be consideration of the impact of any proposed new use of a school building on the neighborhood in which the building is located.

"(b) The Facilities Master Plan shall also include detailed and updated analysis and data regarding:

"(1) The facilities condition assessment for each school building and facility under the control and jurisdiction of the District of Columbia Public Schools;

"(2) The capacity of existing schools, current level of utilization, and recommendations for the utilization or reduction of excess space, including specific recommendations on consolidation, closure, and co-location, as appropriate;

"(3) Historical and projected enrollment data;

"(4) Current and projected demographic information for the surrounding neighborhood;

"(5) Other neighborhood issues, in coordination with the District of Columbia Office of Planning;

"(6) Facilities needs and requirements as they relate directly to the Master Education Plan; and

"(7) A detailed facility portfolio analysis that will inform any decisions related to alternative financing options, including public/private development partnerships and co-location opportunities.

"(c) In developing the Facilities Master Plan, the Mayor shall consult with the Council, the Director of the Office of Public Education Facilities Modernization, the Public Charter School Board, representatives of public charter schools, and the Public School Modernization Advisory Committee, and shall consider the facilities needs of all public school students.

"(d) The Mayor shall review and update the Facilities Master Plan every 3 years."

D.C. Law 18-223 rewrote subsec. (b), which had read as follows:

"(b) The Master Facilities Plan shall also include detailed and updated analysis and data regarding:

"(1) The facilities condition assessment for each school building and facility under the control and jurisdiction of the District of Columbia Public Schools;

"(2) The capacity of existing schools, current level of utilization, and recommendations for the utilization or reduction of excess space, including specific recommendations on consolidation, closure, and co-location, as

appropriate;

"(3) Historical and projected enrollment data;

"(4) Current and projected demographic information for the surrounding neighborhood;

"(5) Other neighborhood issues, in coordination with the District of Columbia Office of Planning;

"(6) A school-by-school description relating facility needs and requirements to:

"(A) The facility's programmatic usage with specific linkages and relationships to adopted education plans of a local education agency, school district, or institution, including specific plans provided for special education, early childhood education, and career and technical education programs; and

"(B) The statewide education and youth development plan described in § 38-191 and how they permit schools to be centers of the community;

"(7) A detailed facility portfolio analysis that will inform any decisions related to alternative financing options, including public/private development partnerships and co-location opportunities;

"(8) A communications and community involvement plan for each school that includes engagement of key stakeholders throughout the community, including:

"(A) Local School Restructuring Teams;

"(B) School Improvement Teams; and

"(C) Advisory Neighborhood Commissions;

"(9) Evidence of coordination of the District's education sector with housing, health, and welfare sectors, and economic development policies and plans; and

"(10) The location, planning, use, and design of the District's educational facilities and campuses."

D.C. Law 19-168 rewrote subsec. (a); added subsecs. (b)(1A) and (b)(2)(K); in subsec. (b)(2)(I), deleted "and" from the end; and, in subsec. (b)(2)(J), substituted "; and" for a period. which formerly read:

"(a) The Mayor shall submit a revised comprehensive multiyear Master Facilities Plan for the District of Columbia Public Schools and public charter schools, developed with the Office of Public Education Facilities Modernization in accordance with this section, along with the Mayor's annual submission of a budget recommendation for public schools to the Council for review and approval, which shall include a school disposition plan delineating the process through which citizen involvement shall be facilitated, and establishing the criteria that shall be utilized in disposition decisions, one of which must be consideration of the impact of any proposed new use of a school building on the neighborhood in which the building is located."

Emergency Act Amendments

For temporary addition of subchapter see notes to § 38-2801.

For temporary (90-day) addition of Chapter 1B [1981 Ed.], see notes following § 38-2801.

For temporary (90 day) amendment of section, see § 4047 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 4011 of Fiscal Year 2010 Budget Support Emergency Act of 2009 (D.C. Act 18-187, August 26, 2009, 56 DCR 7374).

For temporary (90 day) amendment of section, see § 4071 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 4071 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) addition of section, see § 4112 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

For temporary (90 day) amendment of section, see § 4122 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For legislative history of D.C. Law 12-175, see Historical and Statutory Notes following § 38-2801.

For Law 16-33, see notes following § 38-1306.

For Law 16-123, see notes following § 38-2971.01.

For Law 17-9, see notes under § 38-103.

For Law 18-111, see notes following § 38-191.

For Law 18-223, see notes following § 38-103.

For history of Law 19-168, see notes under § 38-757.01.

Short title: Section 4070 of D.C. Law 18-111 provided that subtitle H of title IV of the act may be cited as the "Master Facilities Plan and School Facility Capital Improvement Plan Reconciliation Amendment Act of 2009".

Short title: Section 4111 of D.C. Law 18-223 provided that subtitle L of title IV of the act may be cited as the "Master Facilities Plan Approval Act of 2010".

Section 4112 of D.C. Law 18-223 provides:

"Sec. 4112. (a) Pursuant to section 1104 of the School Based Budgeting and Accountability Act of 1998, approved March 26, 1999 (D.C. Law 12-175; D. C. Official Code § 38-2803), the following components of the Master Facilities Plan for the District of Columbia Public Schools for 2010, as submitted by the Mayor to the Council, on April 1, 2010 ('2010 MFP') are approved:

"(1) All priorities, objectives, and methods of defining modernization, including the phased approach to elementary and middle schools;

"(2) Demographics and Data;

"(3) Plan Detail Narrative, including school-by-school detail, known as Mini-Master Plans; and

"(4) The glossary of terms.

"(b) The Schedule of modernization, including sequencing and project implementation timelines and the budget, including the 8-Year Master Facilities Plan Financial Projection and Scope of Work and Estimated Methodology in the 2010 MFP shall be adjusted pursuant to the Capital Improvement Plan Amendments for Public Education Facilities Act of 2010, passed on 2nd reading on June 15, 2010 (Enrolled version of Bill 18-731), and resubmitted by October 15, 2010, to the Council for review and approval."

Short title: Section 4121 of D.C. Law 18-223 provided that subtitle M of title IV of the act may be cited as the "Office of Public Education Facilities Planning Establishment Amendment Act of 2010".

Short title: Section 4011 of D.C. Law 19-168 provided that subtitle B of title IV of the act may be cited as "School Based Budgeting and Accountability Amendment Act of 2012".

§ 38-2804. ALLOCATION OF FUNDS TO EACH SCHOOL SYSTEM.

The District of Columbia Public Schools and its Chief Financial Officer shall, by October 1, 1998, provide to the Council of the District of Columbia a comprehensive Fiscal Year 1999 budget displaying in detail the amount of funds to be applied to each school system function and the amount of funds to be expected by each individual school. This budget shall state all underlying budget assumptions including, but not limited to, average salaries.

(Mar. 26, 1999, D.C. Law 12-175, § 1105, 45 DCR 7193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-154.

Emergency Act Amendments

For temporary addition of subchapter see notes to § 38-2801.

For temporary (90-day) addition of Chapter 1B [1981 Ed.], see notes following § 38-2801.

Legislative History of Laws

For legislative history of D.C. Law 12-175, see Historical and Statutory Notes following § 38-2801.

§ 38-2805. REFORM IMPLEMENTATION PLANS.

The Superintendent shall, by October 15, 1998, provide a detailed Implementation Plan for each component of the General Education Reforms, the Special Education Reforms, and the Central Administration Reforms that will be contained in the Fiscal Year 1999 budget. This Implementation Plan shall specifically state the number and specific occupation positions that will be added and deleted in order to implement each component of the Implementation Plan.

(Mar. 26, 1999, D.C. Law 12-175, § 1106, 45 DCR 7193; Apr. 27, 1999, D.C. Law 12-267, § 3, 46 DCR 960.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-155.

Temporary Amendments of Section

Section 2 of D.C. Law 12-211 substituted "October 15, 1998" for "September 15, 1998."

Section 9 of D.C. Law 12-211 provided that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see §§ 2 and 3 of the Fiscal Year 1999 Budget Support Emergency Amendment Act of 1998 (D.C. Act 12-480, October 28, 1998, 45 DCR 8016), and §§ 2 and 3 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-4, February 8, 1999, 46 DCR 2291).

For temporary addition of subchapter, see notes to § 38-2801.

For temporary (90-day) addition of Chapter 1B [1981 Ed.], see notes following § 38-2801.

Legislative History of Laws

For legislative history of D.C. Law 12-175, see Historical and Statutory Notes following § 38-2801.

Law 12-211, the "Fiscal Year 1999 Budget Support Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-773. The Bill was adopted on first and second readings on September 22, 1998, and October 22, 1998, respectively. Signed by the Mayor on November 5, 1998, it was assigned Act No. 12-512 and transmitted to both Houses of Congress for its review. D.C. Law 12-211 became effective on April 13, 1999.

Law 12-267, the "Closing of a Public Alley in Square 371, S.O. 96-202, Act of 1998," was introduced in Council and assigned Bill No. 12-800, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 23, 1998, it was assigned Act No. 12-576 and transmitted to both Houses of Congress for its review. D.C. Law 12-267 became effective on April 27, 1999.

§ 38-2806. ACCOUNTABILITY PLAN.

The Superintendent shall, by December 15, 1998, provide an Accountability Plan for each school. The Accountability Plan shall set forth five-year student achievement test goals and year one benchmarks, as measured against a baseline derived from student performance levels determined by the "Stanford 9" tests administered in Spring 1998.

(Mar. 26, 1999, D.C. Law 12-175, § 1107, 45 DCR 7193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-156.

Emergency Act Amendments

For temporary addition of subchapter see notes to § 38-2801.

For temporary (90-day) addition of Chapter 1B [1981 Ed.], see notes following § 38-2801.

Legislative History of Laws

For legislative history of D.C. Law 12-175, see Historical and Statutory Notes following § 38-2801.

§ 38-2807. DISTRICT OF COLUMBIA PUBLIC SCHOOL FUNDING.

The District of Columbia Public Schools should fully fund pre-kindergarten, full-day kindergarten, school counselors, and librarians.

(Mar. 26, 1999, D.C. Law 12-175, § 1108, 45 DCR 7193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-157.

Emergency Act Amendments

For temporary addition of subchapter see notes to § 38-2801.

For temporary (90-day) addition of Chapter 1B [1981 Ed.], see notes following § 38-2801.

For legislative history of D.C. Law 12-175, see Historical and Statutory Notes following 38-2801.

SUBCHAPTER II. BUDGETING.

§ 38-2831. BUDGET SUBMISSION REQUIREMENTS.

(a) The Chancellor of the District of Columbia Public Schools ("Chancellor") shall prepare and execute a performance-based budget on an annual basis. The budget prepared by the Chancellor shall have its operations organized by major programs, which in turn will be composed of activities and services. The budget submitted by the Chancellor shall allocate all monies by revenue source for programs, activity, and service levels, and by revenue source for comptroller source group by program and activity. The District of Columbia Public Schools ("DCPS") submission shall include the number of full-time equivalents with job titles by program and revenue source.

(b) The DCPS submission shall also include a presentation that specifies all monies budgeted for each school, education campus, and center, including the funds available to each school for which the decision to spend is made by the school's local school restructuring team, and all other organization Level 4 funds, the spending of which directly benefits local schools, such as textbooks, substitute teachers, special education related services, and athletics, so that the Council and the public may know the totality of funds, goods, and services that will be provided to students at each school, education campus, or center.

(c) No later than 21 days before the Mayor's submission of the District's budget and financial plan to the Council, the Chancellor shall, annually, make available on the DCPS website and post at each school a detailed estimate, in accordance with this section, of the amount of money required to operate the public schools for the ensuing year, including preliminary school-by-school budgets.

(d) The Mayor's annual submission of the District's budget and financial plan to the Council shall include as an attachment an accurate and verifiable report on the positions and employees of the District of Columbia Public Schools to include:

(1) A compilation of DCPS Schedule A positions for the ensuing fiscal year on a full-time equivalent basis, including a compilation of all positions by organization Level 4, job title, pay plan and grade, program and activity, revenue fund, and annual salary; and

(2) A compilation of all DCPS employees as of the preceding March 1, on a full-time equivalent basis, including a compilation of all positions by organization Level 4, job title, pay plan, grade, and step, program and activity, revenue fund, and annual salary.

(e) No later than October 30 of each year, the Mayor shall submit to the Council a revised appropriated funds operating budget for DCPS for the fiscal year beginning on the preceding October 1 that sets forth the total amount of the approved appropriation and that realigns budgeted data with anticipated actual expenditures with the specification set forth in of subsections (a) and (b) of this section.

(f) Beginning in fiscal year 2011, the Mayor shall submit to the Council quarterly financial reports for DCPS setting forth by organization Level 4 approved budget, revised budget, actual expenditures and funds obligated to date, and projected expenditures for the full fiscal year.

(Dec. 7, 2004, D.C. Law 15-211, § 6, 51 DCR 8805; Mar. 21, 2009, D.C. Law 17-325, § 4, 56 DCR 499; Sept. 24, 2010, D.C. Law 18-223, § 4032, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-325 rewrote the section, which had read as follows:

"The Board of Education shall approve an annual budget for submission to the Council that is consistent with the goals and objectives established by the Board of Education for the operation of the public schools of the District of Columbia. The Board shall prepare and execute a performance-based budget on an annual basis. The budget prepared by the Board shall have its operations organized by major programs, which in turn will be composed of activities and services. The budget submitted by the board shall allocate all monies by activities and object class. The DCPS submission shall also include a presentation that specifies the monies budgeted for each school. This presentation shall specify the funds available to each school for which the decision to spend is made by the school's local schools restructuring team, and shall specify other responsibility center funds the spending of which directly benefit local schools (e.g., for textbooks, substitute teachers, transportation, maintenance/engineers, nurses, teachers salaries, etc.), so that the Council and the public may know the totality of funds, goods and services that will be provided to the local schools directly."

D.C. Law 18-223 rewrote the section, which had read as follows:

"The Chancellor of the District of Columbia Public Schools (' Chancellor') shall prepare and execute a performance-based budget on an annual basis. The budget prepared by the Chancellor shall have its

operations organized by major programs, which in turn will be composed of activities and services. The budget submitted by the Chancellor shall allocate all monies by revenue source for programs, activity, and service levels, and by revenue source for comptroller source group by program and activity. The District of Columbia Public Schools submission shall include the number of full-time equivalents with job titles by program and revenue source. The DCPS submission shall also include a presentation that specifies the monies budgeted for each school. This presentation shall specify the funds available to each school for which the decision to spend is made by the school's local schools restructuring team, and shall specify other responsibility center funds the spending of which directly benefit local schools (e.g., for textbooks, substitute teachers, transportation, maintenance/engineers, nurses, teachers salaries, etc.), so that the Council and the public may know the totality of funds, goods and services that will be provided to the local schools directly."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 4 of Public Schools Hearing Emergency Amendment Act of 2009 (D.C. Act 18-11, February 25, 2009, 56 DCR 1915).

For temporary (90 day) amendment of section, see § 4032 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

Law 15-211, the "Board of Education Continuity and Transition Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-714, which was referred to the Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on June 29, 2004, and July 13, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-498 and transmitted to both Houses of Congress for its review. D.C. Law 15- 211 became effective on December 7, 2004.

For Law 17-325, see notes following § 38-103.

For Law 18-223, see notes following § 38-103.

Miscellaneous Notes

Short title: Section 4031 of D.C. Law 18-223 provided that subtitle D of title IV of the act may be cited as the "District of Columbia Public Schools Fiscal Transparency Amendment Act of 2010".