

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 29.
UNIFORM PER STUDENT FUNDING FORMULA.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 29. UNIFORM PER STUDENT FUNDING
FORMULA.

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CHAPTER 29. UNIFORM PER STUDENT FUNDING FORMULA.

SUBCHAPTER I. GENERAL.

§ 38-2901. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Adult education" means services or instruction below the college level for adults who:
 - (A) Lack sufficient mastery of basic educational skills to enable them to function effectively in society;
 - (B) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education; or
 - (C) Have limited ability in speaking, reading, writing, or understanding the English language and whose native language is a language other than English.
- (1A) "Allowable special education costs" means costs incurred for the following purposes:
 - (A) Instruction, salaries, benefits, supplies, textbooks, and other expenses, including:
 - (i) The cost of salaries and benefits of special education program teachers, regular program teachers, and teacher aides, allocated to the corresponding working time that each person devotes to special education, including services required by an individualized education program;
 - (ii) Teaching supplies and textbooks for special education programs;
 - (iii) The purchase, rental, repair, and maintenance of instructional equipment required to implement a student's individualized education program;
 - (iv) Professional development activities for teachers who work with, or provide services to, students with disabilities;
 - (v) Contracted services, including fees paid for professional services, advice, and consultation regarding children with disabilities under the IDEA, and the delivery of special education services by public or private entities; and
 - (vi) Transportation costs for special education instructional personnel who travel on an itinerant basis from school to school or to in-state and out-of-state individualized education program meetings;
 - (B) Related services as defined in 34 CFR § 300.34 and supplementary aids and services as defined in 34 CFR § 300.42 and also including the following:
 - (i) Salaries and benefits of professional supportive personnel, corresponding to the working time that each person devotes to implementing services required pursuant to an individualized education program ("IEP") as defined in 34 CFR § 300.22.
 - (ii) Salaries and benefits of clerical personnel who assist professional personnel in supportive services, corresponding to the working time that each person devotes to special education services or program;
 - (iii) Supplies for related services and supplementary aids and services;
 - (iv) Contracted services, including fees paid for professional advice and consultation regarding children with disabilities under the IDEA or related services and supplementary aids and services, and the delivery of such services by public or private agencies;
 - (v) Transportation for special education-related services personnel and providers of supplementary aides who travel from school to school or to in-state and out-of-state individualized education program meetings; and

(vi) Equipment purchase, rental, repair, and maintenance required to implement related services and supplementary aids and services as required by a student's individualized education program;

(C) Administrative expenses related to the direct implementation of IDEA Part B programmatic and fiscal requirements within the public school, including:

(i) Salaries and benefits of staff who ensure programmatic and fiscal requirements of IDEA are being implemented, corresponding to the working time that each person devotes to the implementation of IDEA;

(ii) Contracted services, including fees paid for professional services, advice, and consultation regarding the implementation of IDEA, and the delivery of special education services to students with IEPs by public or private entities;

(D) Assistive technology devices for students with IEPs, not including medical devices surgically implanted (*i.e.*, cochlear implant);

(E) Implementation of due process hearing decisions;

(F) Implementation of compensatory education plans;

(G) Implementation of coordinated early intervening services programs (CEIS) as defined in 34 CFR § 300.226; and

(H) Transition of a student back into public schools in the District who, as a result of an IEP decision or due process hearing decision, is currently attending non-public schools.

(1B) "Alternative program" means specialized instruction for students under court supervision or on short- and long-term suspension, or who have been chronically truant or expelled from a regular District of Columbia Public School or public charter school academic program. To qualify as an alternative program, a school must meet the criteria and rules set by the State Education Office. An alternative program may describe an entire school or a specialized program within a school.

(2) Repealed.

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

(4) "District of Columbia Public Schools" ("DCPS") means the public local education system under the control of the Board of Education or of the Emergency Transitional Education Board of Trustees in its function. The term does not include Public Charter Schools.

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

(6) "Full-time equivalent" means student enrollment the equal of:

(A) Five hours or more per school day for a minimum of 180 school days for students enrolled in grades pre-school through 12; or

(B) Three hours per day for a minimum of 4 days per week for 36 weeks per school year for adult enrollment.

(6A) "Intensive Program of Special Education Services" means specialized special education services of at least 30 hours per student per week for students with one or more disabling conditions in a self-contained setting during regular school hours.

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

(8) "Per student funding formula" ("Formula") means the formula used to determine annual operating funding for DCPS and Public Charter Schools on a uniform per student basis, pursuant to § 38-1804.01.

(9) "Public Charter School" means a publicly funded school established pursuant to subchapter II of chapter 18 of this title; and except as provided in §§ 38-1802.12(d)(5) and 38-1802.13(c)(5), is not a part of the DCPS.

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

(10A) "Resident student" means a minor enrolled in a District of Columbia public school or public charter school who has a parent, guardian, or custodian residing in the District of Columbia or an adult enrolled in a District of Columbia public school or a public charter school who resides in the District of

Columbia as determined pursuant to Chapter 3 of this title.

(10B) "Self-Contained (Dedicated) Special Education School" means a school that has the capacity to provide all the facilities and services needed to meet the educational and therapeutic needs of its students, which may share a campus or only a building with a general education school.

(11) "Special education" means specialized services for students identified as having disabilities, as provided in section 101(a)(1) of the Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1401(a)(1)), or students who are individuals with a disability as provided in section 7(8) of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 359; 29 U.S.C. § 706(8)).

(11A) "Special Education Capacity Fund" means funds provided to public schools through the Formula to support activities required to improve the quality of special education programming available to students and to ensure that all personnel necessary to carry out Part B of the Individuals with Disabilities Education Act ("IDEA") pursuant to 34 CFR § 300.207, are appropriately and adequately prepared, subject to the requirements of 34 CFR § 300.156 related to personnel qualifications for teachers, related service providers, and paraprofessionals.

(11B) "Special Education Compliance Fund" means funds provided to public schools through the "Formula" to support activities required to address identified noncompliance with federal and local laws and regulations regarding the provision of special education services to students with disabilities.

(11C) "Special Education Payment" means funding appropriated by the District through the "Formula" in the following budget categories: Special education schools, Special Education Add-ons, Special Education Capacity Fund, Special Education Compliance Fund, Residential Add-ons for Special Education, and Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs.

(11D) "Special Education School" means a separate DCPS or public charter day school or residential school dedicated exclusively to serving special education students at levels 4 or 5.

(12) "State level costs" means costs incurred by the DCPS in its function as a state education agency, including the census of minors pursuant to § 38-204, impact aid surveys, issuance of work permits, conduct of hearings and appeals, employee certification, administration of federal aid to agencies or institutions outside of the DCPS or Public Charter Schools administration. For purposes of the Formula, transportation of students with disabilities and payment of tuition for private placements of children with disabilities are considered state level costs.

(13) "Summer school" means an accelerated instructional program provided outside the regular school year of 180 days for students in targeted grades or grade spans pursuant to promotion policies of the District of Columbia Public Schools and public charter schools.

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

(Mar. 26, 1999, D.C. Law 12-207, § 102, 45 DCR 8095; Oct. 1, 2002, D.C. Law 14-190, § 3402(a), 49 DCR 6968; Apr. 13, 2005, D.C. Law 15-348, 101(a), 52 DCR 1991; Mar. 2, 2007, D.C. Law 16-192, § 4002(a), 53 DCR 6899; Apr. 24, 2007, D.C. Law 16-305, § 57(a), 53 DCR 6198; Sept. 18, 2007, D.C. Law 17-20, § 4002(a), 54 DCR 7052; Sept. 14, 2011, D.C. Law 19-21, § 4003(a), 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2901.

Effect of Amendments

D.C. Law 14-190 added par. (11A).

D.C. Law 15-348 added par. (10A).

D.C. Law 16-192 added par. (1A); repealed par. (2); and rewrote pars. (6) and (13). Prior to amendment, pars. (2), (6), and (13) read as follows:

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

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

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

"(B) Three hours per night for a minimum of 4 nights per week for 36 weeks per school year."

"(13) 'Summer school' means an accelerated instructional program in the summer for students in targeted grades or grade spans pursuant to promotion policies."

D.C. Law 16-305, in par. (12), substituted "students with disabilities" for "handicapped students" and "children with disabilities" for "handicapped children".

D.C. Law 17-20 added pars. (6A) and (10B).

D.C. Law 19-21 redesignated par. (1A) as (1B) and par. (11A) as (11D); and added pars. (1A) and (11A) to (11C).

Temporary Amendments of Section

Section 2(a) of D.C. Laws 13-427 added paragraph 10A to provide:

"(10A) 'Resident student' means a student who is enrolled in a District of Columbia public school or a public charter school, and is an adult who resides in the District of Columbia, or is a minor who has a parent, guardian, or custodian residing in the District of Columbia."

Section 6(b) of D.C. Laws 13-427 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 13-262 added (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."

Section 4(b) of D.C. Law 13-262 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 14-6 added a new par. (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."

Section 4(b) of D.C. Law 14-6 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 14-38 added a new paragraph (10A) to read as follows:

"(10A) 'Resident student' means a student who is enrolled in a District of Columbia public school or a public charter school, and is an adult who resides in the District of Columbia, or is a minor who has a parent, guardian, or custodian residing in the District of Columbia."

Section 6(b) of D.C. Law 14-38 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 15-67 added par. (10A) to read as follows:

"(10A) 'Resident student' means a minor enrolled in a District of Columbia public school or public charter school who has a parent, guardian, or custodian residing in the District of Columbia or an adult enrolled in a District of Columbia public school or a public charter school who resides in the District of Columbia."

Section 6(b) of D.C. Law 15-67 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

Section 2 of D.C. Law 12-180 enacted §§ 31-2901 through 31-2912, comprising Chapter 29 of Title 31 [1981 Ed.].

Section 18(b) of D.C. Law 12-180 provided that this act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary addition of chapter, see §§ 2-15 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Emergency Act of 1998 (D.C. Act 12-392, July 17, 1998, 45 DCR 6433), and §§ 2-15 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Congressional Review Emergency Act of 1999 (D.C. Act 13-15, February 10, 1999, 46 DCR 2340).

For temporary (90-day) amendment of section, see § 2(a) of the Public School Enrollment Integrity Emergency Amendment Act of 2000 (D.C. Act 13-409, August 14, 2000, 47 DCR 7264).

For temporary (90 day) amendment of section, see § 2(a) of the Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-453, November 7, 2000, 47 DCR 9406).

For temporary (90 day) amendment of section, see § 2(a) of the Uniform Per Student Funding Formula Emergency Amendment Act of 2000 (D.C. Act 13-485, December 18, 2000, 48 DCR 20).

For temporary (90 day) amendment of section, see § 2(a) of Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Emergency Amendment Act of 2001 (D.C. Act 14-18, March 16, 2001, 48 DCR 2691).

For temporary (90 day) amendment of section, see § 2(a) of Public School Enrollment Integrity Emergency Amendment Act of 2001 (D.C. Act 14-86, July 9, 2001, 48 DCR 6373).

For temporary (90 day) amendment of section, see § 2(a) of Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-192, November 29, 2001, 48 DCR 11239).

For temporary (90 day) amendment of section, see § 3302(a) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 2(a) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003 (D.C. Act 15-174, October 6, 2003, 50 DCR 9181).

For temporary (90 day) amendment of section, see § 2(a) of Public School Enrollment Integrity Clarification Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-282, December 18, 2003, 51 DCR 190).

For temporary (90 day) amendment of section, see § 2(a) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2004 (D.C. Act 15-519, August 2, 2004, 51 DCR 8995).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 4003(a) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

Legislative History of Laws

Law 12-180, the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-680. The Bill was adopted on first and second readings on June 2, 1998, and July 7, 1998, respectively. Signed by the Mayor on July 23, 1998, it was assigned Act No. 12-426 and transmitted to both Houses of Congress for its review. D.C. Law 12-180 became effective on March 26, 1999.

Law 12-207, the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-615, which was referred to the Committee on Education, Libraries, and Recreation. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act No. 12-494 and transmitted to both Houses of Congress for its review. D.C. Law 12-207 became effective on March 26, 1999.

Law 13-262, the "Uniform Per Student Funding Formula Temporary Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-926. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 22, 2000, it was assigned Act No. 13-551 and transmitted to both Houses of Congress for its review. D.C. Law 13-262 became effective on April 3, 2001.

Law 14-6, the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Temporary Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-81, which was retained by Council. The Bill was adopted on first and second readings on February 6, 2001, and March 6, 2001, respectively. Signed by the Mayor on March 22, 2001, it was assigned Act No. 14-36 and transmitted to both Houses of Congress for its review. D.C. Law 14-6 became effective on June 13, 2001.

For Law 14-38, see notes following § 38-1800.02.

For Law 14-190, see notes following § 38-1208.01.

For Law 15-67, see notes following § 38-1800.02.

For Law 15-348, see notes following § 38-1800.02.

For Law 16-192, see notes following § 38-2731.

For Law 16-305, see notes following § 38-911.

For Law 17-20, see notes following § 38-451.

For history of Law 19-21, see notes under § 38-271.01.

Miscellaneous Notes

Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act: D.C. Law 12-207 provided that this chapter may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998."

Short title of subtitle A of title XXXIV of Law 14-190: Section 3401 of D.C. Law 14-190 provided that subtitle A of title XXXIV of the act may be cited as the Uniform Per Student Funding Formula for Public School and Public Charter Schools Amendment Act of 2002.

Short title: Section 4001 of D.C. Law 16-192 provided that subtitle A of title IV of the act may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2006".

Short title: Section 4001 of D.C. Law 17-20 provided that subtitle A of title IV of the act may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2007".

§ 38-2902. APPLICABILITY OF FORMULA.

(a) The Formula shall apply to operating budget appropriations for District of Columbia resident students in DCPS and Public Charter Schools of the District of Columbia. The student count to which the Formula is applied shall not include students enrolled in private institutions providing special education services paid by the District of Columbia or to nonresident students subject to the requirement of paying tuition pursuant to Chapter 3 of this title.

(b) The Formula shall apply only to operating budget appropriations from the District of Columbia General Fund for DCPS and for Public Charter Schools. It shall not apply to funds from federal or other revenue sources, or to funds appropriated to other agencies and funds of the District government.

(c) The Formula shall apply only to Public Charter Schools until the DCPS student enrollment count is verified by an independent contractor who shall perform a census on the student enrollment of the DCPS. The count shall include the information provided in § 38-1804.02(b).

(Mar. 26, 1999, D.C. Law 12-207, § 103, 45 DCR 8095.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2902.

Temporary Amendments of Section

Section 2(b) of D.C. Law 13-262, rewrote this section to read as follows:

"(a) The Formula shall apply to operating budget appropriations for District of Columbia resident students in DCPS and Public Charter Schools of the District of Columbia. The student count to which the Formula is applied shall not include students enrolled in private institutions providing special education services paid by the District of Columbia or to nonresident students subject to the requirement of paying tuition pursuant to 38-302 through 38-306. 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').

"(b) The Formula shall apply only to operating budget appropriations from the District of Columbia General Fund for DCPS, for public charter schools, and for the adult education program of UDC Public Charter Schools. It shall not apply to funds from federal or other revenue sources, or to funds appropriated to other agencies and funds of the District government."

"(c) Repealed."

Section 4(b) of D.C. Law 13-262 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 14-6, in subsec. (a), added the following to the end: "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')."; in subsec. (b), substituted ", for public charter schools, and for the adult education program of UDC" for "and for"; and repealed subsec. (c).

Section 4(b) of D.C. Law 14-6 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90 day) amendment of section, see § 2(b) of the Uniform Per Student Funding Formula Emergency Amendment Act of 2000 (D.C. Act 13-485, December 18, 2000, 48 DCR 20).

For temporary (90 day) amendment of section, see § 2(b) of Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Emergency Amendment Act of 2001 (D.C. Act 14-18, March 16, 2001, 48 DCR 2691).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

For Law 13-262, see notes following § 38-2901.

For D.C. Law 14-6, see notes following § 38-2901.

§ 38-2903. FOUNDATION LEVEL.

The foundation level or cost of providing public education services is \$9,124 per student for fiscal year 2013 and subsequent fiscal years. The foundation level may be revised in subsequent years in accordance with provisions for inflation, revenue unavailability, and periodic review and revision of the Formula, pursuant to §§ 38-2909, 38-2910, and 38-2911.

(Mar. 26, 1999, D.C. Law 12-207, § 104, 45 DCR 8095; Oct. 1, 2002, D.C. Law 14-190, § 3402(b), 49 DCR 6968; June 5, 2003, D.C. Law 14-307, § 102(a), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 312(a), 50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 4002(a), 51 DCR 8441; Oct. 20, 2005, D.C. Law 16-33, § 4012(a), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-192, § 4002(b), 53 DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 4002(b), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 4016(a), 55 DCR 7598; Sept. 24, 2010, D.C. Law 18-223, § 4022(a), 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(a), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 4003(b), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 4002(a), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2903.

Effect of Amendments

D.C. Law 14-190 substituted "\$6,555 per student for 2003" for "\$5,500 per-student for FY 1999,".

D.C. Law 14-307 substituted "\$6,419" for "\$6,555".

D.C. Law 15-39 substituted "\$6,551 per student for FY 2004" for "\$6,419 per student for 2003".

D.C. Law 15-205 substituted "\$6,903.60 per student for FY 2005 and subsequent fiscal years" for "\$6,551 per student for 2004".

D.C. Law 16-33 substituted "7,307.47 per student for FY 2006" for "\$6,903.60 per student for FY 2005".

D.C. Law 16-192 substituted "\$8,002.06 per student for FY 2007" for "\$7,307.47 per student for FY 2006".

D.C. Law 17-20 substituted "\$8,322.00 per student for fiscal year 2008" for "\$8,002.06 per student for FY 2007".

D.C. Law 17-219 substituted "\$8,770 per student for fiscal year 2009" for "\$8,322.00 per student for fiscal year 2008".

D.C. Law 18-223 substituted "\$8,945 per student for fiscal year 2011" for "\$8,770 per student for fiscal year 2009".

D.C. Law 18-370 substituted "\$8,770 per student for fiscal year 2011" for "\$8,945 per student for fiscal year 2011".

D.C. Law 19-21 substituted "\$8,945 per student for fiscal year 2012" for "\$8,770 per student for fiscal year 2011".

D.C. Law 19-168 substituted "\$9,124 per student for fiscal year 2013" for "\$8,945 per student for fiscal year 2012".

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90 day) amendment of section, see § 102(a) of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 102(a) of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 3302(b) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 102(a) of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 312(a) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 312(a) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 4012(a) 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 § 4002(b) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 4022(a) 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 § 402(a) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

For temporary (90 day) amendment of section, see § 4003(b) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4002(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

For Law 14-190, see notes following § 38-1208.01.

Law 14-307, the "Fiscal Year 2003 Budget Support Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-892, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on October 1, 2002, and November 7, 2002, respectively. Signed by the Mayor on December 4, 2002, it was assigned Act No. 14-543 and transmitted to both Houses of Congress for its review. D.C. Law 14-307 became effective on June 5, 2003.

For Law 15-39, see notes following § 38-160.

Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004", was introduced in Council and assigned Bill No. 15-768, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-487 and transmitted to both Houses of Congress for its review. D.C. Law 15-205 became effective on December 7, 2004.

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

For Law 16-192, see notes following § 38-2731.

For Law 17-20, see notes following § 38-451.

For Law 17-219, see notes following § 38-251.

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

Law 18-370, the "Fiscal Year 2011 Supplemental Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-1100, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 27, 2011, it was assigned Act No. 18-721 and transmitted to both Houses of Congress for its review. D.C. Law 18-370 became effective on April 8, 2011.

For history of Law 19-21, see notes under § 38-271.01.

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

Short title of subtitle B of title III of Law 15-39: Section 311 of D.C. Law 15-39 provided that subtitle B of title III of the act may be cited as the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2003.

Short title of subtitle A of title IV of Law 15-205: Section 4001 of D.C. 15- 205 provided that subtitle A of title IV of the act may be cited as the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2004.

Short title of subtitle B of title IV of Law 16-33: Section 4011 of D.C. Law 16-33 provided that subtitle B of title IV of the act may be cited as the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005.

Short title: Section 4015 of D.C. Law 17-219 provided that subtitle H of title IV of the act may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2008".

Short title: Section 4021 of D.C. Law 18-223 provided that subtitle C of title IV of the act may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2010".

Short title: Section 401 of D.C. Law 18-370 provided that subtitle A of title IV of the act may be cited as "Funding for Public Schools and Public Charter Schools Amendment Act of 2010".

Short title: Section 4001 of D.C. Law 19-168 provided that subtitle A of title IV of the act may be cited as "Funding for Public Schools and Public Charter Schools Amendment Act of 2012".

§ 38-2904. WEIGHTINGS APPLIED TO COUNTS OF STUDENTS ENROLLED AT CERTAIN GRADE LEVELS.

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

Grade Level	Weighting	Per Pupil Allocation in FY 2013
Pre-School	1.34	\$12,226
Pre-Kindergarten	1.30	\$11,861
Kindergarten	1.30	\$11,861
Grades 1-3	1.00	\$9,124
Grades 4-5	1.00	\$9,124
Grades 6-8	1.03	\$9,398
Grades 9-12	1.16	\$10,584
Alternative program	1.17	\$10,675
Special education school	1.17	\$10,675
Adult	0.75	\$6,843

(Mar. 26, 1999, D.C. Law 12-207, § 105, 45 DCR 8095; Oct. 1, 2002, D.C. Law 14-190, § 3402(c), 49 DCR 6968; June 5, 2003, D.C. Law 14-307, § 102(b), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 312(b),

50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 4002(b), 51 DCR 8441; Oct. 20, 2005, D.C. Law 16-33, § 4012(b), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-191, § 61, 53 DCR 6794; Mar. 2, 2007, D.C. Law 16-192, § 4002(c), 53 DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 4002(c), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 4016(b), 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 4002(a), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4022(b), 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(b), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 4003(c), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 4002(b), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2904.

Effect of Amendments

D.C. Law 14-190 rewrote the section which had read as follows:

Grade levels	Weighting	Total per pupil allocation in FY 1999
Pre-School	1.16	\$6,380
Pre-Kindergarten		
Grades K-5	1.05	\$5,775
Ungraded enrolled in elementary schools		
Grades 6-8	1.00	\$5,500
Ungraded enrolled in middle or junior high schools		
Grades 9-12	1.20	\$6,600
Ungraded enrolled in senior high schools		
Alternative school all grade levels		
Adult	0.75	\$4,125

D.C. Law 15-39 rewrote the section which had read as follows:

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

Grade Level	Weighting	Per Pupil Allocation in FY 2003
Pre-School / Pre Kindergarten	1.17	\$7,510
Kindergarten	1.17	\$7,510
Grades 1-3	1.03	\$6,611
Grades 4-5	1.00	\$6,419
Ungraded ES	1.03	\$6,611
Grades 6-8	1.03	\$6,611
Ungraded MS/JHS	1.03	\$6,611
Grades 9-12	1.17	\$7,510
Ungraded SHS	1.17	\$7,510
Alternative	1.30	\$8,344
Special Education Schools	1.17	\$7,510
Adult	0.75	\$4,814

D.C. Law 14-307 amended the section by changing the numbers in the table which had read as follows:

Grade Level	Weighting	Per Pupil allocation in FY 2003
Pre-School / Pre-Kindergarten	1.17	\$7,670
Kindergarten	1.03	\$7,670
Grades 1-3	1.03	\$6,752

Grades 4-5	1.00	\$6,555
Ungraded ES	1.03	\$6,752
Grades 6-8	1.03	\$6,752
Ungraded MS/JHS	1.03	\$6,752
Grades 9-12	1.17	\$7,670
Ungraded SHS	1.17	\$7,670
Alternative	1.30	\$8,522
Special Education Schools	1.17	\$7,670
Adult	0.75	\$4,916

D.C. Law 15-205 rewrote the section which had read:

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

Grade Level	Weighting	Per Pupil Allocation in FY 2004
Pre-School/Pre- Kindergarten	1.17	\$7,664
Kindergarten	1.03	\$7,664
Grades 1-3	1.03	\$6,747
Grades 4-5	1.00	\$6,551
Ungraded ES	1.03	\$6,747
Grades 6-8	1.03	\$6,747
Ungraded MS/JHS	1.03	\$6,747
Grades 9-12	1.17	\$7,664
Ungraded SHS	1.17	\$7,664
Alternative	1.30	\$8,516
Special Education Schools	1.17	\$7,664
Adult	0.75	\$4,913

D.C. Law 16-33 rewrote section, which had read as follows:

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

Grade Level	Weighting	Per Pupil Allocation in FY 2005
Pre-School	1.17	\$8,077.21
Pre-Kindergarten	1.17	\$8,077.21
Pre K Incentive	1.17	\$8,077.21
Kindergarten	1.03	\$7,110.71
Grades 1-3	1.03	\$7,110.21
Grades 4-5	1.00	\$6,903.60
Ungraded ES	1.03	\$7,110.71
Grades 6-8	1.03	\$7,110.71
Ungraded MS/JHS	1.03	\$7,110.71
Grades 9-12	1.17	\$8,077.21
Ungraded SHS	1.17	\$8,077.21
Alternative	1.30	\$8,974.68
Special Education Schools	1.17	\$8,077.21
Adult	0.75	\$5,177.70

D.C. Law 16-191 made a change in the directory language of D.C. Law 15-205 which resulted in no change in text.

D.C. Law 16-192 rewrote the section which had read as follows:

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

Grade Level	Weighting	Per Pupil Allocation FY 2006
Pre-School/Pre Kindergarten	1.17	\$8,549.74

Kindergarten	1.03	\$7,526.69
Grades 1-3	1.03	\$7,526.69
Grades 4-5	1.00	\$7,307.47
Ungraded ES	1.03	\$7,526.69
Grades 6-8	1.03	\$7,526.69
Ungraded MS/JHS	1.03	\$7,526.69
Grades 9-12	1.17	\$8,549.74
Ungraded SHS	1.17	\$8,549.74
Alternative	1.30	\$9,499.71
Special Education Schools	1.17	\$8,549.74
Adult	0.75	\$5,480.60

D.C. Law 17-20 rewrote the section which had read as follows:

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

Grade Level	Weighting	Per Pupil Allocation in 2007
Pre-School	1.16	\$9,2829
Pre-Kindergarten	1.16	\$9,2829
Kindergarten	1.16	\$9,2829
Grades 1-3	1.03	\$8,242.12
Grades 4-5	1.00	\$8,002.60
Ungraded ES	1.03	\$8,242.12
Grades 6-8	1.00	\$8,002.60
Ungraded MS/JHS	1.00	\$8,002.60
Grades 9-12	1.17	\$9,362.41
Ungraded SHS	1.17	\$9,362.41
Alternative Program	1.23	\$9,842.53
Special ed schools	1.17	\$9,362.41
Adult	0.75	\$6,001.55

D.C. Law 17-219 rewrote the section, which had read as follows:

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

Grade Level	Weighting	Per Pupil Allocation in FY 2008
Pre-School	1.16	\$9,654
Pre-Kindergarten	1.16	\$9,654
Kindergarten	1.16	\$9,654
Grades 1-3	1.03	\$8,572
Grades 4-5	1.00	\$8,322
Ungraded ES	1.03	\$8,572
Grades 6-8	1.00	\$8,322
Ungraded MS/JHS	1.00	\$8,322
Grades 9-12	1.17	\$9,737
Ungraded SHS	1.17	\$9,737
Alternative Program	1.23	\$10,236
Special ed schools	1.17	\$9,737
Adult	0.75	\$6,242.

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

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

Grade Level	Weighting	Per Pupil Allocation in FY 2009
Pre-School	1.34	\$11,752

Pre-Kindergarten	1.30	\$11,401
Kindergarten	1.30	\$11,401
Grades 1-3	1.00	\$8,770
Grades 4-5	1.00	\$8,770
Ungraded ES	1.00	\$8,770
Grades 6-8	1.03	\$9,033
Ungraded MS/JHS	1.03	\$9,033
Grades 9-12	1.16	\$10,173
Ungraded SHS	1.16	\$10,173
Alternative Program	1.17	\$10,261
Special ed schools	1.17	\$10,261
Adult	0.75	\$6,577.

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

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

Grade Level	Weighting	Per Pupil Allocation in FY 2010
Pre-School	1.34	\$11,752
Pre-Kindergarten	1.30	\$11,401
Kindergarten	1.30	\$11,401
Grades 1-3	1.00	\$ 8,770
Grades 4-5	1.00	\$ 8,770
Ungraded ES	1.00	\$ 8,770
Grades 6-8	1.03	\$ 9,033
Ungraded MS/JHS	1.03	\$ 9,033
Grades 9-12	1.16	\$10,173
Ungraded SHS	1.16	\$10,173
Alternative Program	1.17	\$10,261
Special ed schools	1.17	\$10,261
Adult	0.75	\$ 6,578

D.C. Law 18-370 rewrote the section, which formerly read:

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

Grade Level	Weighting	Per Pupil Allocation in FY 2011
Pre-School	1.34	\$11,987
Pre-Kindergarten	1.30	\$11,629
Kindergarten	1.30	\$11,629
Grades 1-3	1.00	\$8,945
Grades 4-5	1.00	\$8,945
Ungraded ES	1.00	\$8,945
Grades 6-8	1.03	\$9,214
Ungraded MS/JHS	1.03	\$9,214
Grades 9-12	1.16	\$10,377
Ungraded SHS	1.16	\$10,377
Alternative Program	1.17	\$10,466
Special ed schools	1.17	\$10,466
Adult	0.75	\$6,709."

D.C. Law 19-21 rewrote the section, which formerly read:

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

Grade Level	Weighting	Per Pupil Allocation in FY 2011
Pre-School	1.34	\$11,752
Pre-Kindergarten	1.30	\$11,401
Kindergarten	1.30	\$11,401
Grades 1-3	1.00	\$8,770
Grades 4-5	1.00	\$8,770
Ungraded elementary school	1.00	\$8,770
Grades 6-8	1.03	\$9,033
Ungraded middle school/junior high school	1.03	\$9,033
Grades 9-12	1.16	\$10,173
Ungraded senior high school	1.16	\$10,173
Alternative program	1.17	\$10,261
Special education school	1.17	\$10,261
Adult	0.75	\$6,578

D.C. Law 19-168 rewrote the section, which formerly read:

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

Grade Level	Weighting	Per Pupil Allocation in FY 2012
Pre-School	1.34	\$11,986
Pre-Kindergarten	1.30	\$11,629
Kindergarten	1.30	\$11,629
Grades 1-3	1.00	\$8,945
Grades 4-5	1.00	\$8,945
Ungraded elementary	1.00	\$8,945
Grades 6-8	1.03	\$9,213
Ungraded middle school/junior high school	1.03	\$9,213
Grades 9-12	1.16	\$10,376
Ungraded senior high school	1.16	\$10,376
Alternative program	1.17	\$10,466
Special education	1.17	\$10,466
Adult	0.75	\$6,709

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90 day) amendment of section, see § 102(b) of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 102(b) of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 3302(c) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 102(b) of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 312(b) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 312(b) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 4012(b) 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 § 4002(c) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 4002(a) 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 § 4002(a) 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 § 4002(a) 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) amendment of section, see § 4022(b) 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 § 402(b) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

For temporary (90 day) amendment of section, see § 4003(c) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4002(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

For Law 14-190, see notes following § 38-1208.01.

For Law 14-307, see notes following § 38-2903.

For Law 15-39, see notes following § 38-160.

For D.C. Law 15-205, see notes following § 38-2903.
 For Law 16-33, see notes following § 38-1306.
 For Law 16-191, see notes following § 38-1202.01.
 For Law 16-192, see notes following § 38-2731.
 For Law 17-20, see notes following § 38-451.
 For Law 17-219, see notes following § 38-251.
 For Law 18-111, see notes following § 38-191.
 For Law 18-223, see notes following § 38-103.
 For history of Law 18-370, see notes under § 38-821.02.
 For history of Law 19-21, see notes under § 38-271.01.
 For history of Law 19-168, see notes under § 38-757.01.

Miscellaneous Notes

Short title: Section 4001 of D.C. Law 18-111 provided that subtitle A of title IV of the act may be cited as the "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2009".

§ 38-2905. SUPPLEMENT TO FOUNDATION LEVEL FUNDING ON THE BASIS OF THE COUNT OF SPECIAL EDUCATION, LEP/NEP, SUMMER SCHOOL, AND RESIDENTIAL SCHOOL STUDENTS.

- (a) In addition to grade level allocations, supplemental allocations shall be provided on the basis of the count of students identified as entitled to and receiving:
- (1) Special education;
 - (2) English as a second language or bilingual education services;
 - (3) Summer school instruction for students who do not meet literacy standards pursuant to promotion policies of the DCPS or Public Charter Schools as defined in § 38-1804.01(b)(3)(B)(ii); and
 - (4) Extended school days.
- (b) Supplemental allocations shall be provided for each student in full-time residence at a residential DCPS or Public Charter School.
- (c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

General Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
"LEP/NEP	Limited and non-English proficient students	0.45	\$4,106
"Summer	An accelerated instructional program in the summer for students in targeted grade spans or grades pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,551

Special Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental
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"Level 1: Special Education	Eight hours or less per week of specialized services	0.58	\$5,292
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services.	0.81	\$7,390
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.58	\$14,416
"Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.10	\$28,284
"Special Education Capacity Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.40	\$3,650
"Special Education Compliance Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.16	\$1,460
"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$15,511

Residential Add-ons

"Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
"Level 1: Special Education-- Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or	0.374	\$3,412

public charter school
that provides students
with room and board in
a residential setting

"Level 2: Special Education-- Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,409
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"Level 3: Special Education-- Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$26,834
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"Level 4: Special Education-- Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$26, 679
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"LEP/NEP--Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,204
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Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

"Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2013
"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs.	0.064	\$584
"Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,108
"Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,562
"Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,535".

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

(e)(1) The summer school weighting of 0.17 shall apply to DCPS and public charter school students enrolled for at least 6 weeks for the purpose described in § 38-2901(13). Summer school students enrolled for a lesser period shall be funded for the number of days in that period on a pro-rata basis.

(2) To receive funding, a DCPS or public charter school summer school program must offer at least 60 hours of instruction outside the regular school year.

(3) To receive full funding, a summer school program must offer at least 4 hours of instruction per day, 5 days a week, for 6 weeks, or its equivalent, for a total of at least 120 hours of instruction outside the regular school year for the purpose described in § 38-2901(13).

(4) The fully funded summer school weighting of 0.17 shall apply for summer school programs that meet the requirements of paragraph (3) of this subsection.

(5) Summer school programs that enroll students for less than 120 hours but more than 59 hours shall be funded on a pro-rata basis.

(f)(1) Funding for special education students enrolled in summer school whose Individual Education Plans require extended school year or summer school services shall be calculated using the add-on weights corresponding to their special education service levels as defined in subsection (c) of this section.

(2) Special education add-on weights for summer school shall apply only to summer programs that deliver the specialized services required by the Individual Education Plans of their enrolled special education students.

(g) The supplemental allocation for the extended school day shall be subject to the inclusion of its fiscal effect in an approved budget.

(Mar. 26, 1999, D.C. Law 12-207, § 106, 45 DCR 8095; Oct. 19, 2000, D.C. Law 13-172, § 2702, 47 DCR 6308; Oct. 3, 2001, D.C. Law 14-28, § 502, 48 DCR 6981; Oct. 1, 2002, D.C. Law 14-190, § 3402(d), 49 DCR 6968; June 5, 2003, D.C. Law 14-307, § 102(c), 49 DCR 11664; Nov. 13, 2003, D.C. Law 15-39, § 312(c), 50 DCR 5668; Dec. 7, 2004, D.C. Law 15-205, § 4002(c), 51 DCR 8441; Apr. 13, 2005, D.C. Law

15-348, § 101(b), 52 DCR 1991; Oct. 20, 2005, D.C. Law 16-33, § 4012(c), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-192, § 4002(d), 53 DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 4002(d), 54 DCR 7052; Aug. 16, 2008, D.C. Law 17-219, § 4016(c), 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 4002(b), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4022(c), 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(c), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 4003(d), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 4002(c), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 95(a), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2905.

Effect of Amendments

D.C. Law 13-172 substituted "3.2" for "1.72" in the Level IV segment of the chart and added the Level V provision.

D.C. Law 14-28, in the chart in subsec. (c), substituted "up to +0.17 pro rata" and "up to \$935 pro rata" for "+0.10" and "\$550"; and added subsec. (e) relating to summer school weighting.

D.C. Law 14-190 rewrote subsec. (c) which had read:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/Program	Definition	Weighting	Supplemental per pupil FY 1999
Level 1			F
Special Education	Regular class; special education services less than 6 hours/school week	+0.22	\$1,210
Level 2			
Special Education	Resource room; special education services 7-15 hours/school week	+0.80	\$4,400
Level 3			
Special Education	Separate class; special education services more than 15 hours/school week	+1.73	\$9,515
Level 4			
Special Education	Separate DCPS or Public Charter School	+3.2	
Level 5			
Special Education	Residential; 24 hour intensity in public charter school	+9.4	
LEP/NEP	Limited and non-English proficient students	+0.4	\$2,200
Summer School	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and Public Charter Schools.	up to +0.17 pro rata	up to \$935 pro rata
Residential	D.C. Public School or Public Charter School that provides students with room and board in a residential setting, in addition to	+1.7	\$9,350

their instructional
program.

D.C. Law 14-307, in subsec. (c), changed the numbers in the table which had read as follows:

Level/program	Definition	Weighting	Supplemental \$ per pupil FY 2003
Level 1: Special Education	Regular class; special education services 6 hours or less per school week	0.55	\$3,605
Level 2: Special Education	Resource room; special education services 7-15 hours per school week	0.85	\$5,572
Level 3: Special Education	Separate class; special education services more than 15 hours per school week	1.50	\$9,833
Level 4: Special Education	Separate DCPS or public charter school	2.70	\$17,699
LEP/NEP	Limited and non-English proficient students	0.40	\$2,622
Summer School	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the DCPS and public charter schools	0.17	\$1,114
Residential	DCPS or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$11,144
Level 1: Special Education--Residential	Additional funding to support the after-hours level 1 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting	0.374	\$2,452
Level 2: Special Education--Residential	Additional funding to support the after-hours level 2 special education needs of students living in a DCPS or public charter school that provides	1.36	\$8,915

	students with room and board in a residential setting			
Level 3: Special Education--Residential	Additional funding to support the after-hours level 3 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting	2.941	\$19,279	
Level 4: Special Education--Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-English proficient students living in a DCPS or public charter school that provides students with room and board in a residential setting	2.924	\$19,168	
Level 5: Special Education--Residential	Residential 24 hour intensity in a public charter school	9.40	\$61,620	
LEP/NEP--Residential	Additional funding to support the after-hours level 4 special education needs of students living in a DCPS or public charter school that provides students with room and board in a residential setting	0.68	\$4,458	

D.C. Law 15-39 rewrote subsec. (c) which had read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/Program	Definition	Weighting	Supplemental Per Pupil FY 2003
Level 1: Special Education	Regular class; special education services 6 hours or less per school week	0.55	\$3,530
Level 2: Special Education	Resource room; special education services 7-15 hours per school week	0.85	\$5,456
Level 3: Special Education	Separate class; special education services more than 15 hours per school	1.50	\$9,628

	week		
Level 4: Special Education	Separate DCPS or public charter school	2.70	\$17,330
LEP/NEP	Limited and non-English proficient students	0.40	\$2,567
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,091
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$10,911
Level 1: Special Education--Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$2,401
Level 2: Special Education--Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.36	\$8,729
Level 3: Special Education--Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$18,877
Level 4: Special Education--Residential	Additional funding to support the after-hours level 4 special	2.924	\$18,768

	instructional needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
Level 5: Special Education--Residential	Residential 24 hour intensity in a public charter school	9.40	\$60,334
LEP/NEP--Residential	Additional funding to support the after-hours level 4 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$4,365

D.C. Law 15-205 rewrote subsec. (c) which had read:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/Program	Definition	Weighting	Supplemental \$ per Pupil FY 2004
Level 1: Special Education	Regular class; special education services 6 hours or less per school week	0.55	\$3,603
Level 2: Special Education	Resource room; special education services 7-15 hours per school week	0.85	\$5,568
Level 3: Special Education	Separate class; special education services more than 15 hours per school week	1.50	\$9,826
Level 4: Special Education	Separate DCPS or public charter school	2.70	\$17,687
LEP/NEP	Limited and non-English proficient students	0.40	\$2,620
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,114
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition	1.70	\$11,136

	to their instructional program		
Level 1:	Additional funding to support the	0.374	\$2,450
Special	after-hours level 1 special		
Education	education needs of students		
Residential	living in a D.C. Public School or		
	public charter school that		
	provides students with room and		
	board in a residential setting		
Level 2:	Additional funding to support the	1.36	\$8,909
Special	after-hours level 2 special		
Education	education needs of students		
Residential	living in a D.C. Public School or		
	public charter school that		
	provides students with room and		
	board in a residential setting		
Level 3:	Additional funding to support the	2.941	\$19,266
Special	after-hours level 3 special		
Education	education needs of students		
Residential	living in a D.C. Public School or		
	public charter school that		
	provides students with room and		
	board in a residential setting		
Level 4:	Additional funding to support the	2.924	\$19,154
Special	after-hours level 4 special		
Education	education needs of students		
Residential	living in a D.C. Public School or		
	public charter school that		
	provides students with room and		
	board in a residential setting		
Level 5:	Residential 24 hour intensity in a	9.40	\$61,577
Special	public charter school		
Education			
Residential			
LEP/NEP	Additional funding to support the	0.68	\$4,454
Residential	after-hours level 3 special		
	education needs of students		
	living in a D.C. Public School or		
	public charter school that		
	provides students with room and		
	board in a residential setting		

D.C. Law 15-348 rewrote subsec. (e); and added subsec. (f). Prior to amendment, subsec. (e) 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.C. Law 16-33 rewrote subsec. (c), which had read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/Program	Definition	Weighting	Supplemental \$ per Pupil FY 2004
Level 1:	Eight (8) hours or less	0.55	\$3,796.98
Special	per week of specialized		
Education	services		
Level 2:	More than 8 hours and less	0.85	\$5,868.06

Special Education	than or equal to 16 hours per school week of specialized services		
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.50	\$10,355.40
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained separate school other than residential placement	2.70	\$18,639.72
LEP/NEP	Limited and non-English proficient students	0.40	\$2,671.44
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,173.61
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$11,736.12
Level 1: Special Education--Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$2,581.95
Level 2: Special Education--Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.36	\$9,388.90
Level 3: Special Education--	Additional funding to support the after-hours level 3 special	2.941	\$20,303.49

Residential	education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
Level 4: Special Education-- Residential	Additional funding to support the after-hours level 4 special educational needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$20,186.13
Level 5: Special Education-- Residential	Residential placement	9.40	\$64, 893.84
LEP/NEP-- Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$4,694.45

D.C. Law 16-192 rewrote subsecs. (c) and (e) which had read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Needs Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2006
Level 1: Special Education	Eight (8) hours or less per week of specialized services	0.55	\$ 4,019.11
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.85	\$ 6,211.35
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.50	\$ 10,961.21
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained separate school other than residential placement	2.70	\$ 19,730.17
LEP/NEP	Limited and non-English proficient students	0.40	\$ 2,922.99

Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$ 1,242.27
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$ 12,422.70

Residential Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2006
Level 1: Special Education- Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$ 2,732.99
Level 2: Special Education- Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$ 9,938.16
Level 3: Special Education- Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$ 21,491.27
Level 4: Special Education- Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$ 20,805.84
Level 5: Special Education- Residential	Residential placement	9.40	\$ 68, 690.22
LEP/NEP- Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides	0.68	\$ 4,969.08

students with room and board in a
residential setting

"(e)(1) To receive funding, a DCPS or public charter school summer school program must offer at least 60 hours of instruction during the summer following the regular school year.

"(2) To receive full funding, a summer school program must offer at least 4 hours of instruction per day, 5 days a week, for 6 weeks for a total of at least 120 hours of instruction during the summer following the regular school year.

"(3) The fully funded summer school weighting of 0.17 shall apply for summer school programs that meet the requirements of paragraph (2) of this subsection.

"(4) Summer school programs that enroll students for less than 120 hours but more than 59 hours shall be funded on a pro-rate basis."

D.C. Law 17-20 rewrote subsec. (c) which had read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Needs Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2007
Level 1: Special Education	Eight hours or less per week of specialized services	0.54	\$ 4,321
Level 2: Special Education	More than 8 hours and less than or equal to 6 hours per school week of specialized services	0.82	\$ 6,562
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.41	\$ 11,283
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained separate school other than residential placement	2.47	\$ 19,765
LEP/NEP	Limited and non-English proficient students	0.40	\$ 3,201
Summer	An instructional program as defined in section 102(13), including instruction for special education students whose Individual Education Plan requires extended school year or summer school services.	0.17	\$ 1,360
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$ 13,604
Level 1: Special Education-- Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.74	\$ 2,993
Level 2: Special	Additional funding to support the after-hours level 2 special	1.6	\$ 10,883

Education--	education needs of students		
Residential	living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
Level 3:	Additional funding to support the	2.941	\$ 23,534
Special	after-hours level 3 special		
Education--	education needs of students		
Residential	living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
Level 4:	Additional funding to support the	2.924	\$ 23,398
Special	after-hours level 4 special		
Education--	educational needs of students		
Residential	living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
Level 5:	Residential placement	9.40	\$ 75, 219
Special			
Education--			
Residential			
LEP/NEP--	Additional funding to support the	0.68	\$ 5,441
Residential	after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		

D.C. Law 17-219 rewrote subsec. (c), which had read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Needs Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2008
Level 1: Special Education	Eight hours or less per week of specialized services	0.54	\$4,494
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.82	\$6,824
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.41	\$11,734
Level 4: Special Education	More than 24 hours per week which may include instruction in a self-contained (dedicated) special education school other than residential	2.47	\$20,556

	placement		
LEP/NEP	Limited and non-English proficient students	0.40	\$3,329
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,415
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$14,148

"Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2008
Level 1: Special Education--Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,112
Level 2: Special Education--Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$11,318
Level 3: Special Education--Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$24,475
Level 4: Special Education--Residential	Additional funding to support the after-hours level 4 special instructional needs of	2.924	\$24, 334

	limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
Level 5: Special Education-- Residential	Residential placement	9.40	\$78,228
LEP/NEP-- Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$5,659

D.C. Law 18-111 rewrote subsec. (c), which had read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"Special Needs Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2009
Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$4560
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$6,928
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.36	\$11,927
Level 4: Special Education	More than 24 hours per week which may include instruction in a selfcontained (dedicated) special education school other than residential placement	2.37	\$20,785
LEP/NEP	Limited and non-English proficient students	0.40	\$3,508
Summer	An accelerated instructional program in the summer for	0.17	\$1,491

students who do not meet
literacy standards
pursuant to promotion
policies of the District
of Columbia Public Schools
and public charter schools

Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$14,909
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"Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2009
Level 1: Special Education-- Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,280
Level 2: Special Education-- Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$11,927
Level 3: Special Education-- Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$25,793
Level 4: Special Education-- Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$25,643

Level 5:	Residential placement	9.40	\$ 82,438
Special			
Education--			
Residential			

LEP/NEP--	Additional funding to support the	0.68	\$5,964
Residential	after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		

Special Education Add-ons for Students with Extended School Year Indicated in Their Individualized Education Programs (IEPs):

Level/Program	Definition	Weight	Per Pupil Supplemental FY 2009
Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$561
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,027
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,385
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,359
Special Education Level 5 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	1.598	\$14,014

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

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Special Needs Add-ons:			
Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2010
Level 1: Special	Eight hours or less	0.52	\$ 4,560

Education	per week of specialized services		
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$ 6,928
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.56	\$13,681
Level 4: Special Education	More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential placement	2.83	\$24,819
LEP/NEP	Limited and non-English proficient students	0.45	\$ 3,947
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$ 1,491
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$14,909

"Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil
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Level 1: Special Education-- Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.374	\$3,280
Level 2: Special Education-- Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$11,927
Level 3: Special Education-- Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$25,793
Level 4: Special Education-- Residential	Additional funding to support the after-hours level 4 special instructional needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$25,644
Level 5: Special Education-- Residential	Residential placement	9.40	\$ 82,438
LEP/NEP--Residential	Additional funding to	0.68	\$ 5,964

support the after-hours
 Limited and non-English
 proficiency needs of
 students living in a
 D.C. Public School or
 public charter school
 that provides students
 with room and board in
 a residential setting

"Special Education Add-ons for Students with Extended School Year Indicated in Their Individualized Education Programs (IEPs):

Level/Program	Definition	Weight	Per Pupil Supplemental FY 2009
Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$ 561
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$ 2,026
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$ 4,385
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$ 4,359
Special Education Level 5 ESY	Additional funding to support the summer	1.598	\$14,015

school/program need
for students who
require extended
school year (ESY)
services in their
IEPs

D.C. Law 18-370 , in subsec. (a), deleted "or" from the end of par. (2), substituted "; and" for a period at the end of par. (3), and added par. (4); rewrote subsec. (c); and added subsec..(g). Prior to amendment, subsec. (c) read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"General Education Add-ons:

'LEP/NEP	Limited and non-English proficient students	0.45	\$4,025
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,521

"Special Education Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2011
Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$4,652
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$7,067
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.56	\$13,955
Level 4: Special Education	More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential placement	2.83	\$25,315
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$15,207

"Special Education Residential Add-ons:

Level/Program	Definition	Weighting	Per Pupil Supplemental FY 2011
Level 1: Special Education--Residential	Additional funding to support the after-hours level 1 special	0.374	\$3,346

	education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting			
Level 2: Special Education--Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,166	
Level 3: Special Education--Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$26,308	
Level 4: Special Education--Residential	Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.924	\$26,156	
LEP/NEP--Residential	Additional funding to support the after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.68	\$6,083	

"Special Education Add-ons for Students with Extended School Year (ESY) Indicated in Their Individualized Education Programs (IEPs):

Level/Program	Definition	Weight	Per Pupil	
			Supplemental	

FY 2011			
Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$569
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,068
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,472
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,446"

D.C. Law 19-21 rewrote subsec. (c), which formerly read:

"(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

"General Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2011
LEP/NEP	Limited and non-English proficient students	0.45	\$3,947
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,491
Extended school day	Extended learning time beyond the regular school day	0.1	n/a

"Special Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2011
Level 1: Special Education	Eight hours or less per week of specialized services	0.52	\$4,560
Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	0.79	\$6,928
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.56	\$13,681
Level 4: Special	More than 24 hours per week which may include instruction	2.83	\$24,819

Education	in a self contained (dedicated) special education school other than residential placement		
Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.70	\$14,909

"Residential Add-ons:

[Note: The following TABLE/FORM is too wide to be displayed on one screen. You must print it for a meaningful review of its contents. The table has been divided into multiple pieces with each piece containing information to help you assemble a printout of the table. The information for each piece includes: (1) a three line message preceding the tabular data showing by line # and character # the position of the upper left-hand corner of the piece and the position of the piece within the entire table; and (2) a numeric scale following the tabular data displaying the character positions.]

 ***** This is piece 1. -- It begins at character 1 of table line 1. *****

Level/ Program	Definition		
Level 1:	Additional funding to support the after-hours level 1		
Special	special education needs of students living in a D.C.		
Education	Public School or public charter school that provides		
--Residential	students with room and board in a residential setting		
Level 2:	Additional funding to support the after-hours level 2		
Special	special education needs of students living in a D.C.		
Education	Public School or public charter school that provides		
--Residential	students with room and board in a residential setting		
Level 3:	Additional funding to support the after-hours level 3		
Special	special education needs of students living in a D.C.		
Education	Public School or public charter school that provides		
--Residential	students with room and board in a residential setting		
Level 4:	Additional funding to support the after-hours level 4		
Special	special education needs of limited and non-English		
Education	proficient students living in a D.C. Public School or		
--Residential	public charter school that provides students with room and board in a residential setting		
LEP/NEP	Additional funding to support the after-hours Limited and		
--Residential	non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		
1...+...10....+...20....+...30....+...40....+...50....+...60....+...70....+....			

 ***** This is piece 2. -- It begins at character 80 of table line 1. *****

Weighting	Per Pupil Supplemental FY 2011
0.374	\$3,280

1.360 \$11,927

2.941 \$25,793

2.924 \$25, 643

0.68 \$5,964

80..+...90....+....0....+...10....+...20....+...

"Special Education Add-ons for Students with Extended School Year ('ESY') Indicated in Their Individualized Education Programs ('IEPs'):

Level/	Program Definition	Weighting	Per Pupil Supplemental FY 2011
Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.064	\$561
Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,026
Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,385
Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,359.

D.C. Law 19-168 rewrote subsec. (c), which formerly read:

"General Education Add-ons:

"Level/	Definition	Weighting	Per Pupil Supplemental FY 2012
Program			

"LEP/NEP	Limited and non-English	0.45	\$4,025
Summer	An accelerated instructional program in the summer for students who do not meet literacy standards pursuant to promotion policies of the District of Columbia Public Schools and public charter schools	0.17	\$1,521
Extended school day	Extended learning time beyond the regular school day	0.1	n/a

"Special Education Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2012
"Level 1: Special	Eight hours or less per week of specialized	0.58	\$5,188
Level 2: Special	More than 8 hours and less than or equal to 16 hours	0.81	\$7,245
	specialized services		
Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of	1.58	\$14,133
Level 4: Special Education	More than 24 hours per week which may include instruction in a self contained (dedicated) special education school other than residential	3.10	\$27,730
Special Education Capacity Fund	Weighting provided in addition to special education level add-on weightings on a per student basis for each student identified as eligible for special education.	0.40	\$3,578

Special	Weighting provided in addition to	0.16	\$1,431
Education	special education level add-on		
Compliance	weightings on a per student basis		
Fund	for each student identified as		
	eligible for special education.		

Residential	D.C. Public School or public charter	1.70	\$15,207
	school that provides students with		
	room and board in a residential		
	setting, in addition to their		

"Residential Add-ons:

Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2012
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"Level 1: Special Education-- Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a	0.374	\$3,345
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Level 2: Special Education-- Residential	Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	1.360	\$12,165
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Level 3: Special Education-- Residential	Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	2.941	\$26,307
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Level 4: Special Education-- Residential	Additional funding to support the after-hours level 4 special education needs of limited and non- English proficient students living in a D.C. Public School or public charter school that provides	2.924	\$26,155
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students with room and board in a

LEP/NEP--	Additional funding to support the	0.68	\$6,083
Residential	after-hours Limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting		

"Special Education Add-ons for Students with Extended School Year ("ESY") Indicated in Their Individualized Education Programs ("IEPs"):

"Level/ Program	Definition	Weighting	Per Pupil Supplemental FY 2012
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"Special Education Level 1 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their	0.064	\$572
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IEPs

Special Education Level 2 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.231	\$2,066
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Special Education Level 3 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.500	\$4,473
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Special Education Level 4 ESY	Additional funding to support the summer school/program need for students who require extended school year (ESY) services in their IEPs	0.497	\$4,446.	f
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D.C. Law 19-171, in subsec. (c), made a technical correction.

Temporary Amendments of Section

Section 2(a) of D.C. Laws 13-067 amended subsec. (c) to provide:

(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/program Definition Weighting Supplemental per pupil FY 1999

Level 1 Special Additional funding to support +0.374 \$2.057 Education the after-hours level 1 --Residential special education needs of students living in a D.C. Public School or Public Charter School that provides

students with room and board in a residential setting

Level 2 Special Additional funding to support +1.36 \$7,480 Education the after-hours level 2 --Residential special education needs of students living in a D.C. Public School or Public Charter School that provides students with room and board in a residential setting

Level 3 Special Additional funding to support +2.941 \$16,176 Education the after-hours level 3 --Residential special education needs of students living in a D.C. Public School or Public Charter School that provides students with room and board in a residential setting

Level 4 Special Additional funding to support +2.924 \$16,082 Education the after-hours level 4 --Residential special education needs of students living in D.C. Public School or Public Charter School that provides students with room and board in a residential setting

LEP Additional funding to support +0.68 \$3,740 NEP--Residential the after-hours special instructional needs of limited and non-English proficient students living in a D.C. Public School or Public Charter School that provides students with room and board in a residential setting

Section 3(b) of D.C. Laws 13-067 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 13-227 amended subsec. (c) to read as follows:

"(c) These supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

Level/program Definition Weighting \$ per pupil Supplemental FY 1999

Level 1 Special Additional funding to +0.374 \$2,057 Education support the after-hours level 1 --Residential special education needs of students living in a D.C. Public School or Public Charter School that provides students with room and board in a residential setting

Level 2 Special Additional funding to +1.36 \$7,480 Education support the after-hours --Residential level 2 special education needs of students living in a D.C. Public School or Public Charter School that provides students with room and board in a residential setting

Level 3 Special Additional funding to +2.941 \$16,176 Education support the after-hours --Residential level 3 special education needs of students living in a D.C. Public School or Public Charter School that provides students with room and board in a residential setting

Level 4 Special Additional funding to +2.924 \$16,082 Education support the after-hours --Residential level 4 special education needs of students living in D.C. Public School or Public Charter School that provides students with room and board in a residential setting

LEP/NEP--Residential Additional funding to +0.68 \$3,740 support the after-hours special instructional non-English proficient needs of limited and students living in a D.C. Public School or Public Charter School that provides students with room and board in a residential setting

Section 5(b) of D.C. Law 13-227 provides that the act shall expire after 225 days of its having taken effect.

Section 2(c)(1) of D.C. Law 13-262, in subsec. (c), in the chart, substituted "up to +0.17 pro rata" for "+0.10" and "up to \$935 pro rata" for "\$550". Section 2(c)(2) of that law added subsec. (e) 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."

Section 4(b) of D.C. Law 13-262 provides that the act shall expire after 225 days of its having taken effect.

Section 2(c) of D.C. Law 14-6, in subsec. (c), in the chart, substituted "up to +0.17 pro rata" for "+0.10" and "up to \$935 pro rata" for "\$550", and added a new subsec. (e) 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."

Section 4(b) of D.C. Law 14-6 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90-day) amendment of section, see § 2(a) of Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Emergency Amendment Act of 1999 (D.C. Act 13-152, December 1, 1999, 46 DCR 10395).

For temporary (90-day) amendment of section, see § 2(a) of the Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-282, March 7, 2000, 47

DCR 2026).

For temporary (90-day) amendment of section, see § 2702 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 2702 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 2(a) of the Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Emergency Amendment Act of 2000 (D.C. Act 13-456, November 7, 2000, 47 DCR 9418).

For temporary (90 day) amendment of section, see § 2(c) of the Uniform Per Student Funding Formula Emergency Amendment Act of 2000 (D.C. Act 13-485, December 18, 2000, 48 DCR 20).

For temporary (90 day) amendment of section, see § 2(a) of Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-17, March 16, 2001, 48 DCR 2687).

For temporary (90 day) amendment of section, see § 2(c) of Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Emergency Amendment Act of 2001 (D.C. Act 14-18, March 16, 2001, 48 DCR 2691).

For temporary (90 day) amendment of section, see § 502 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

For temporary (90 day) amendment of section, see § 102(c) of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 102(c) of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 3302(d) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 102(c) of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 312(c) of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 312(c) of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 4012(c) 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 § 4002(d) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(d) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(d) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4002(d) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 4002(b) 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 § 4002(b) 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 § 4002(b) 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) amendment of section, see § 4022(c) 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 § 402(c) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

For temporary (90 day) amendment of section, see § 4003(d) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 4002(c) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-175 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

Law 13-227, the "Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Temporary Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-858. The Bill was adopted on first and second readings on October 3, 2000, and November 8, 2000, respectively. Signed by the Mayor on December 13, 2000, it was assigned Act No. 13-502 and transmitted to both Houses of Congress for its review. D.C. Law 13-227 became effective on April 3, 2001.

For Law 13-262, see notes following § 38-2901.

For D.C. Law 14-6, see notes following § 38-2901.

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

For Law 14-190, see notes following § 38-1208.01.

For Law 14-307, see notes following § 38-2903.

For Law 15-39, see notes following § 38-160.

For D.C. Law 15-205, see notes following § 38-2903.

For Law 15-348, see notes following § 38-1800.02.

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

For Law 16-192, see notes following § 38-2731.

For Law 17-20, see notes following § 38-451.

For Law 17-219, see notes following § 38-251.

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

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

For history of Law 18-370, see notes under § 38-821.02.

For history of Law 19-21, see notes under § 38-271.01.

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

For history of Law 19-171, see notes under § 38-192.01.

§ 38-2906. PUPIL COUNT.

(a) Annual appropriations for DCPS pursuant to the Formula shall equal the total estimated costs for the number of resident students projected to be enrolled in DCPS during the fiscal year for which the appropriation is made; provided, that for fiscal year 2008, the projected change in enrollment shall equal the average annual change in enrollment for the preceding 3 years. Beginning in fiscal year 2012, the base for the projections shall be the audited enrollment for the school year preceding the fiscal year for which the appropriation is made.

(b) Annual appropriations for public charter schools pursuant to the Formula shall equal the total estimated costs for the following:

(1) The number of resident students projected to be enrolled in all public charter schools combined

during the fiscal year for which the appropriation is made, plus;

(2) The total estimated costs for the per pupil public charter school facilities allotment for the fiscal year for which the appropriation is made.

(3) Repealed.

(c) Repealed.

(d)(1) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the Office of the State Superintendent of Education. The independent contractor shall perform an audit on the student enrollment of each DCPS school and of each public charter school to:

(A) Verify the accuracy of the information contained in the membership report; and

(B) Identify any material weaknesses in the systems, procedures, or methodology used by the DCPS system and public charter schools in:

(i) Determining the number of students, including non-resident students, enrolled in the DCPS and in public charter schools and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) Assessing and collecting fees and tuition from non-resident students.

(2) 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 § 38-1804.02, and shall be transmitted by the Mayor to the Council, 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 count shall serve as the basis for quarterly payments.

(e) Preliminary projections of public charter school enrollment shall be made by each eligible chartering authority for the public charter schools under its supervision, and submitted to the Mayor by the date on which the Chancellor is required to submit his or her budget request to the Mayor. The eligible chartering authorities may submit revisions of the projections to the Mayor and the Council at any time before the Council committee with oversight responsibilities for the public education budget reports its recommendations on that budget to the Council.

(Mar. 26, 1999, D.C. Law 12-207, § 107, 45 DCR 8095; Dec. 7, 2004, D.C. Law 15-205, § 4002(d), 51 DCR 8441; Apr. 13, 2005, D.C. Law 15-348, § 101(c), 52 DCR 1991; Oct. 20, 2005, D.C. Law 16-33, § 4012(d), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-192, § 4002(e), 53 DCR 6899; Sept. 18, 2007, D.C. Law 17-20, § 4002(e), 54 DCR 7052; Mar. 3, 2010, D.C. Law 18-111, § 4002(c), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4022(d), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2906.

Effect of Amendments

D.C. Law 15-205 designated the existing language as subsec. (a) and added subsec. (b).

D.C. Law 15-348 rewrote the section which had read as follows:

"(a) Annual appropriations pursuant to the Formula shall be based on the number of resident students enrolled as of October 1 in the year preceding the fiscal year for which the appropriation is made. This count shall be verified by an independent contractor who shall perform a census on the student enrollment of the DCPS. The count shall include the information provided in § 38-1804.02(a) and (b), and after verification shall be transmitted to the Mayor, Council, and the Authority no later than the following January 1. If the verification has not been transmitted by January 1, the Chair of the Council committee with oversight responsibilities for DCPS shall instruct the District of Columbia Auditor to determine the resident enrollment based on the best evidence available, and this count, as certified by the Auditor, shall be the basis for the annual appropriation.

"(b) In FY 2005, appropriations in excess of the student count shall be made available to the DC Public Schools in order to encourage admittance of up to 578 additional pre-kindergarten students."

D.C. Law 16-33 repealed subsec. (b)(3), which had read as follows:

"(3) Five percent of the total amount generated pursuant to paragraphs (1) and (2) of this subsection, to be put into escrow as a reserve for payments to public charter schools in case enrollment, including enrollment in special needs categories, should exceed that of the projections on which costs are based pursuant to paragraph (2) of this subsection."

D.C. Law 16-192 rewrote subsec. (d) which had read as follows:

"(d) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the Mayor. The independent contractor shall perform an audit on the student enrollment of each DCPS school 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 § 38-1804.02, and shall be transmitted by the Mayor to the Council, 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 count shall serve as the basis for the annual appropriation for the following fiscal year and for quarterly payments."

D.C. Law 17-20 rewrote subsec. (a); and, in subsec. (d)(2), deleted "for the annual appropriation for the following fiscal year and" following "serve as the basis". Prior to amendment, subsec. (a) 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 on October 5 in the year preceding the fiscal year for which the appropriation is made. This count shall be verified as provided in subsection (d) of this section."

D.C. Law 18-111 repealed subsec. (c); in subsec. (d), substituted "Office of the State Superintendent of Education" for "State Education Office"; and, in subsec. (e), substituted "Chancellor is required to submit his or her budget request" for "Board of Education is required to submit its budget request". Prior to repeal, subsec. (c) read as follows:

"(c) Any amount escrowed pursuant to subsection (b)(3) of this section that remains at the end of each fiscal year shall revert to the General Fund."

D.C. Law 18-223, in subsec. (a), added the second sentence; and rewrote subsec. (b)(2), which had read as follows:

"(2) The annual budget of the District of Columbia Public Charter School Board and, beginning in Fiscal Year 2002, the Public Charter School Office of the Board of Education, plus;"

Temporary Amendments of Section

Section 2(b) of D.C. Law 13-199 amended the section to provide:

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

"(b) Annual appropriations for the public charter schools pursuant to the Formula shall equal the total estimated costs for the following:

"(1) The number of resident students enrolled in all public charter schools combined as of October 5 in the year preceding the fiscal year for which the appropriation is made, and verified as provided in subsection (e) of this section, plus or minus;

"(2) The number of resident students projected to be enrolled in all public charter schools combined during the fiscal year for which the appropriation is made, and calculated as provided in subsection (f) of this section, plus;

"(3) The annual budget of the District of Columbia Public Charter School Board and, beginning in fiscal year 2002, the Public Charter School Office of the Board of Education, provided, plus;

"(4) Five percent of the total amount generated pursuant to paragraphs (1), (2) and (3) of this subsection, to be put into escrow as a reserve for payments to public charter schools in case enrollment, including enrollment in special needs categories, should exceed that of the projections on which costs are based pursuant to paragraph (2) of this subsection. Any amount remaining in the escrow at the end of each fiscal year shall revert to the General Fund.

"(c) The Mayor shall establish a committee to develop and implement, within 90 days of the effective date of the Public School Enrollment Integrity Emergency Amendment Act of 2000, a policy governing proof of District residency for the purposes of this section and the District of Columbia Nonresident Tuition Act. The committee shall be composed of the Mayor, the Chair of the District Council Committee on Education, Libraries and Recreation, the Superintendent of District of Columbia Public Schools, a representative of each of the eligible chartering authorities, and a representative of the D.C. Charter Public School Coalition. Upon establishment of a state education office, the Mayor shall transfer this function to that office.

"(d) The residency policy developed pursuant to subsection (c) of this section shall apply equally to students in DCPS and the public charter schools.

"(e) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the Mayor. 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 Mayor to 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 count shall serve as the basis for the annual appropriation for the following fiscal year and for quarterly payments.

"(f) Preliminary projections of Public Charter School enrollment shall be made by each chartering authority for

the Public Charter Schools under its supervision, and submitted to the Mayor by the date on which the DCPS is required to submit its budget request to the Mayor. The chartering authorities may submit revisions of such projections to the Mayor and Council at any time before the Council committee with oversight responsibilities for the public education budget reports its recommendations on that budget to the Council."

Section 6(b) of D.C. Law 13-199 provides that the act shall expire after 225 days of its having taken effect.

Section 2(d)(1) of D.C. Law 13-262 amended subsec. (a) 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."

Section 2(d)(2) of D.C. Law 13-262 amended subsec. (e) 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."

Section 2(d)(3) of D.C. Law 13-262 added subsecs. (g), (h), and (i) 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."

Section 2(e) of D.C. Law 13-262 amended § 38-2906.01 (see Emergency Act Amendments for addition of section) as follows: in subsec. (a), substituted "October 25" for "October 15"; rewrote subsec. (b); in subsec. (c), substituted "October 25" for "October 15"; and in subsec. (d), inserted "to each payment" following "shall be added". Subsec. (b) was rewritten 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 section 107(b)(4).

"(4) 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 such student constitutes a net increase to the school's enrollment as of that date. The pro rata payments for special education students enrolling after October 5 based on the public charter school's predetermined enrollment schedule shall be disbursed in addition to the quarterly payments at the discretion of the District of Columbia Chief Financial Officer."

Section 4(b) of D.C. Law 13-262 provides that the act shall expire after 225 days of its having taken effect.

Section 2(e) of D.C. Law 14-6 amended § 38-2609.01 (see Emergency Act Amendments for addition of section) as follows: in subsecs. (a) and (c), substituted "October 25" for "October 15"; in subsec. (d) inserted

"to each payment" following "shall be added"; and rewrote subsection (b) 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 the 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."

Section 4(b) of D.C. Law 14-6 provides that the act shall expire after 225 days of its having taken effect.

Section 2(d) of D.C. Law 14-6 amended subsecs. (a) and (e) and added subsecs. (g), (h) and (i) 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."

"(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."

"(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."

Section 4(b) of D.C. Law 14-6 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 14-38 rewrote § 38-2906 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 on October 5 in the year preceding the fiscal year for which the appropriation is made. This count shall be verified as provided in subsection (e) of this section.

"(b) Annual appropriations for the public charter schools pursuant to the Formula shall equal the total

estimated costs for the following:

"(1) The number of resident students enrolled in all public charter schools combined as of October 5 in the year preceding the fiscal year for which the appropriation is made, and verified as provided in subsection (e) of this section, plus or minus;

"(2) The number of resident students projected to be enrolled in all public charter schools combined during the fiscal year for which the appropriation is made, and calculated as provided in subsection (f) of this section, plus;

"(3) The annual budget of the District of Columbia Public Charter School Board and, beginning in fiscal year 2002, the Public Charter School Office of the Board of Education, plus;

"(4) Five percent of the total amount generated pursuant to paragraphs (1), (2) and (3) of this subsection, to be put into escrow as a reserve for payments to public charter schools in case enrollment, including enrollment in special needs categories, should exceed that of the projections on which costs are based pursuant to paragraph (2) of this subsection. Any amount remaining in the escrow at the end of each fiscal year shall revert to the General Fund.

"(c) The Mayor shall establish a committee to develop and implement, within 90 days of the effective date of the Public School Enrollment Integrity Temporary Amendment Act of 2001, passed on 2nd reading on June 26, 2001 (Enrolled version of Bill 14-242), a policy governing proof of District residency for the purposes of this section and the District of Columbia Nonresident Tuition Act, approved September 8, 1970 (74 Stat. 853; D.C. Official Code § 38-302 *et seq.*). The committee shall be composed of the Mayor, the Chair of the District Council Committee on Education, Libraries and Recreation, the Superintendent of District of Columbia Public Schools, a representative of each of the eligible chartering authorities, and a representative of the D.C. Charter Public School Coalition. Upon establishment of a state education office, the Mayor shall transfer this function to that office.

"(d) The residency policy developed pursuant to subsection (c) of this section shall apply to students in DCPS and the public charter schools.

"(e) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the Mayor. 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, approved April 26, 1996 (110 Stat. 257; D.C. Official Code § 38-1804.02) ("School Reform Act"), and shall be transmitted by the Mayor to 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 count shall serve as the basis for the annual appropriation for the following fiscal year and for quarterly payments.

"(f) Preliminary projections of Public Charter School enrollment shall be made by each chartering authority for the Public Charter Schools under its supervision, and submitted to the Mayor by the date on which the DCPS is required to submit its budget request to the Mayor. The chartering authorities may submit revisions of such projections to the Mayor and Council at any time before the Council committee with oversight responsibilities for the public education budget reports its recommendations on that budget to the Council."

Section 6(b) of D.C. Law 14-38 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 15-67 rewrote the section 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 on October 5 in the year preceding the fiscal year for which the appropriation is made. This count shall be verified as provided in subsection (e) of this section.

"(b) Annual appropriations for the public charter schools pursuant to the Formula shall equal the total estimated costs for the following:

"(1) The number of resident students enrolled in all public charter schools combined as of October 5 in the year preceding the fiscal year for which the appropriation is made, and verified as provided in subsection (e) of this section, plus or minus;

"(2) The number of resident students projected to be enrolled in all public charter schools combined during the fiscal year for which the appropriation is made, and calculated as provided in subsection (f) of this section, plus;

"(3) The annual budget of the District of Columbia Public Charter School Board and, beginning in fiscal year 2002, the Public Charter School Office of the Board of Education, plus;

"(4) Five percent of the total amount generated pursuant to paragraphs (1), (2) and (3) of this subsection, to be put into escrow as a reserve for payments to public charter schools in case enrollment, including enrollment in special needs categories, should exceed that of the projections on which costs are based pursuant to paragraph (2) of this subsection. Any amount remaining in the escrow at the end of each fiscal year shall revert to the General Fund.

"(c) The Mayor shall establish a committee to develop and implement, within 90 days of the effective date of

the Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2001, effective November 29, 2001 (D.C. Act 14-19; 48 DCR 11239), a policy governing proof of District residency for the purposes of this section and the District of Columbia Nonresident Tuition Act, approved September 8, 1970 (74 Stat. 853; D.C. Official Code § 38-302 *et seq.*). The committee shall be composed of the Mayor, the Chair of the Council Committee on Education, Libraries and Recreation, the Superintendent of District of Columbia Public Schools, a representative of each of the eligible chartering authorities, and a representative of the D.C. Charter Public School Coalition. Upon establishment of a state education office, the Mayor shall transfer this function to that office.

"(d) The residency policy developed pursuant to subsection (c) of this section shall apply to students in DCPS and the public charter schools.

"(e) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the Mayor. 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, approved April 26, 1996 (110 Stat. 257; D.C. Official Code § 38-1804.02) ('School Reform Act'), and shall be transmitted by the Mayor to 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 count shall serve as the basis for the annual appropriation for the following fiscal year and for quarterly payments.

"(f) Preliminary projections of Public Charter School enrollment shall be made by each chartering authority for the Public Charter Schools under its supervision, and submitted to the Mayor by the date on which the DCPS is required to submit its budget request to the Mayor. The chartering authorities may submit revisions of such projections to the Mayor and Council at any time before the Council committee with oversight responsibilities for the public education budget reports its recommendations on that budget to the Council."

Section 6(b) of D.C. Law 15-67 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Section 2(c) of D.C. Law 13-199 added § 31-2906a [1981 Ed.].

Section 6(b) of D.C. Law 13-199 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90-day) amendment of section, see § 2(b) of the Public School Enrollment Integrity Emergency Amendment Act of 2000 (D.C. Act 13-409, August 14, 2000, 47 DCR 7264).

For temporary (90-day) addition of § 31-2906a [1981 Ed.], see § 2(c) of the Public School Enrollment Integrity Emergency Amendment Act of 2000 (D.C. Act 13-409, August 14, 2000, 47 DCR 7264).

For temporary (90 day) amendment of section, see § 2(b) of the Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-453, November 7, 2000, 47 DCR 9406).

For temporary (90 day) amendment of section, see § 2(d) of the Uniform Per Student Funding Formula Emergency Amendment Act of 2000 (D.C. Act 13-485, December 18, 2000, 48 DCR 20).

For temporary (90 day) amendment of section, see § 2(b) and § 2(c) of Public School Enrollment Integrity Emergency Amendment Act of 2001 (D.C. Act 14-86, July 9, 2001, 48 DCR 6373).

For temporary (90 day) amendment of section, see § 2(b) and § 2(c) of Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-192, November 29, 2001, 48 DCR 11239).

For temporary (90 day) amendment of section, see § 2(d) of Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Emergency Amendment Act of 2001 (D.C. Act 14-18, March 16, 2001, 48 DCR 2691).

For temporary (90 day) addition, see § 2(c) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003 (D.C. Act 15-174, October 6, 2003, 50 DCR 9181).

For temporary (90 day) amendment of section, see § 2(b) of Public School Enrollment Integrity Clarification Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-282, December 18, 2003, 51 DCR 191).

For temporary (90 day) amendment of section, see § 4002(d) of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 2(b) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2004 (D.C. Act 15-519, August 2, 2004, 51 DCR 8995).

For temporary (90 day) amendment of section, see § 4002(d) of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 4012(d) 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 § 4002(e) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(e) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(e) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4002(e) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 4002(c) 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 § 4002(c) 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 § 4002(c) 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) amendment of section, see § 4022(d) 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 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

For Law 13-262, see notes following § 38-2901.

For D.C. Law 14-6, see notes following § 38-2901.

For D.C. Law 15-205, see notes following § 38-2903.

For Law 15-348, see notes following § 38-1800.02.

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

For Law 16-192, see notes following § 38-2731.

For Law 17-20, see notes following § 38-451.

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

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

Miscellaneous Notes

Section 405 of Chapter 4 of Division A of H.R. 5666 provides:

"Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, quarterly disbursements shall be calculated and paid to District of Columbia public charter schools during fiscal year 2001 in accordance with section 107a(b) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998 (sec. 31-2906.1(b), D.C. Code [1981 Ed.]), as amended by the Enrollment Integrity Act."

§ 38-2906.01. PAYMENTS FOR DISTRICT OF COLUMBIA PUBLIC SCHOOLS.[REPEALED]

(Mar. 26, 1998, D.C. Law 12-207, § 107a, as added Apr. 13, 2005, D.C. Law 15-348, § 101(d), 52 DCR 1991; Mar. 3, 2010, D.C. Law 18-111, 4002(d), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Temporary Addition of Section

Section 2(c) of D.C. Law 14-38 added § 38-2906.01 to read as follows:

"§ 38-2906.01. Payments.

"(a) Except as provided in subsection (b)(2) of this section, following the enactment of an act making appropriations for the District of Columbia each fiscal year, the Mayor shall provide to DCPS the full amount of its appropriation in accordance with standard procedures for independent agencies. The Mayor shall make payments to each public charter school from the escrow account established under section 2403 of the

School Reform Act to a bank designated by each school. The annual payment shall be made in the form of four quarterly payments calculated in accordance with subsections (b), (c) and (d) of this section, provided; however, that the entire annual payment for facilities pursuant to section 109 shall be included in the first payment of the fiscal year and that any payment for new charter schools pursuant to section 2403 of the School Reform Act shall also be included in the first payment of the fiscal year. The first payment shall be made no later than July 15; subsequent payments shall be made no later than October 15, January 15, and April 15.

"(b)(1) Except as provided in paragraph (2) of this subsection, each payment shall be one-fourth of each public charter school's entitlement based on its October enrollment count. The basis of the July 15 and October 15 payments shall be the unaudited numbers contained in the reports submitted by the eligible chartering authorities under section 2402(a) of the School Reform Act. 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) The payment of October 15, 2000 shall be 50% of each public charter school's entitlement based on its unaudited October 5 enrollment count.

"(c) Payments shall not be reduced or delayed pending the conduct and results of the audit prescribed by section 107(e). If the audit finds that the number of verified resident students in enrollment at any public charter school differs from that on which its July 15 and October 15 payments were based, the Mayor shall recalculate the appropriate amount of subsequent payments accordingly, adjusting them by the amount of the discrepancy.

"(d) Payments for special education, limited English proficient students, and other add-on components of the Funding Formula shall be included in the quarterly payments to public charter schools. Payments shall reflect one-quarter of the annual per student amount for each add-on; provided, however, that add-ons for special education and limited English proficient students shall be added on a pro rata basis from the date on which a public charter school begins to provide add-on services for such students.

"(e) Prior to or concurrent with any payment made pursuant to this section, the Chief Financial Officer of the District of Columbia shall provide to each public charter school an accounting indicating what the payment is for and how it was calculated."

Section 6(b) of D.C. Law 14-38 provides that the act shall expire after 225 days of its having taken effect.

Section 2(c) of D.C. Law 15-67 added a section to read as follows:

"Sec. 107a. Payments.

"(a) Except as provided in subsection (b)(2) of this section, following the enactment of an act making appropriations for the District of Columbia each fiscal year, the Mayor shall provide to DCPS the full amount of its appropriation in accordance with standard procedures for independent agencies. The Mayor shall make payments to each public charter school from the escrow account established under section 2403 of the School Reform Act to a bank designated by each school. The annual payment shall be made in the form of four equal quarterly payments calculated in accordance with subsections (b), (c) and (d) of this section, provided; however, that the entire annual payment for facilities pursuant to section 109 shall be included in the first payment of the fiscal year and that any payment for new charter schools pursuant to section 2403 of the School Reform Act shall also be included in the first payment of the fiscal year. The first payment shall be made no later than July 15; subsequent payments shall be made no later than October 15, January 15, and April 15.

"(b)(1) Except as provided in paragraph (2) of this subsection, each payment shall be one-fourth of each public charter school's entitlement based on its October enrollment count. The basis of the July 15 and October 15 payments shall be the unaudited numbers contained in the reports submitted by the eligible chartering authorities under section 2402(a) of the School Reform Act. 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) The payment of October 15, 2000 shall be 50% of each public charter school's entitlement based on its unaudited October 5 enrollment count.

"(c) Payments shall not be reduced or delayed pending the conduct and results of the audit prescribed by section 107(e). If the audit finds that the number of verified resident students in enrollment at any public charter school differs from that on which its July 15 and October 15 payments were based, the Mayor shall recalculate the appropriate amount of subsequent payments accordingly, adjusting them by the amount of the discrepancy.

"(d) Payments for special education, limited English proficient students, and other add-on components of the Funding Formula shall be included in the quarterly payments to public charter schools. Payments shall reflect one-quarter of the annual per student amount for each add-on; provided, however, that add-ons for special education and limited English proficient students shall be added on a pro rata basis from the date on which a public charter school begins to provide add-on services for such students.

"(e) Prior to or concurrent with any payment made pursuant to this section, the Chief Financial Officer of the

District of Columbia shall provide to each public charter school an accounting indicating what the payment is for and how it was calculated."

Section 6(b) of D.C. Law 15-67 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) addition, see § 2(e) of the Uniform Per Student Funding Formula Emergency Amendment Act of 2000 (D.C. Act 13-485, December 18, 2000, 48 DCR 20).

For temporary (90 day) addition of section 38-2906.01, see § 2(e) of Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Emergency Amendment Act of 2001 (D.C. Act 14-18, March 16, 2001, 48 DCR 2691).

For temporary (90 day) addition of section, see § 2 of the Public School Enrollment Integrity Emergency Amendment Act of 2003 (D.C. Act 15-139, July 29, 2003, 50 DCR 6866).

For temporary (90 day) addition, see § 2(c) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2003 (D.C. Act 15-174, October 6, 2003, 50 DCR 9181).

For temporary (90 day) amendment of section, see § 2(b) of Public School Enrollment Integrity Clarification Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-282, December 18, 2003, 51 DCR 191).

For temporary (90 day) addition, see § 2(c) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2004 (D.C. Act 15-519, August 2, 2004, 51 DCR 8995).

For temporary (90 day) repeal, see § 4002(d) 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) repeal, see § 4002(d) 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) repeal, see § 4002(d) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 14-38, see notes following § 38-1800.02.

For Law 15-67, see notes following § 38-1800.02.

For Law 15-348, see notes following § 38-1800.02.

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

§ 38-2906.02. PAYMENTS TO PUBLIC CHARTER SCHOOLS.

(a) The Mayor shall make payments to each public charter school from the escrow account established under § 38-1804.03 to a bank designated by each school. The annual payment shall be made in the form of 4 equal quarterly payments calculated in accordance with this section; provided, that the entire annual payment for facilities calculated pursuant to § 38-2908 shall be included in the first payment of the fiscal year and that any payment for new charter schools determined pursuant to § 38-1804.03 shall also be included in the first payment of the fiscal year. The first payment shall be made no later than July 15. Subsequent payments shall be made no later than October 15, January 15, and April 15.

(b) Each payment shall be one-fourth of each public charter school's entitlement, determined as follows:

(1) The basis of the July 15 payment to a public charter school shall be the estimate used in the June 30 quarterly reports submitted by the eligible chartering authorities pursuant to § 38-1804.02(a).

(2) The basis of the October 25 and January 15 payments shall be the unaudited October enrollment numbers for that school contained in the reports submitted by the eligible chartering authorities on October 5.

(3) The basis of the April 15 payment 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.

(c) Payments shall not be reduced or delayed pending the conduct and results of the audit prescribed by § 38-2906(d). If the audit finds that the number of verified resident students enrolled at any public charter school differs from that on which its July 15 and October 15 payments were based, the Mayor shall recalculate the appropriate amount of subsequent payments accordingly, adjusting them by the amount of the discrepancy.

(d) Payments for special education, limited English proficient students, and other add-on components of the Funding Formula shall be included in the quarterly payments to public charter schools. Payments shall reflect one-quarter of the annual per student amount for each add-on; provided, that add-ons for special education and limited English proficient students shall be added on a pro-rata basis from the date on

which a public charter school begins to provide add-on services for such students.

(e) Prior to, or concurrent with, any payment made pursuant to this section, the Chief Financial Officer of the District of Columbia shall provide to each public charter school an accounting indicating the purpose of the payment and how the payment was calculated.

(f) During any period in which payments to public charter schools become due on a date when District funding is authorized pursuant to a continuing resolution rather than pursuant to an appropriations act, 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.

(g) Upon application to the Chief Financial Officer of the District of Columbia, charter schools offering alternative education or special education services may receive payment for eligible students 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 represents a net increase to the school's enrollment as of October 5. The pro-rata payments for special education students enrolling after October 5 based on the public charter school's predetermined enrollment schedule shall be disbursed in addition to the quarterly payments at the discretion of the Chief Financial Officer.

(h) If an eligible charter authority proposes to revoke the charter of a public charter school as described in § 38-1802.13 during any period prior to a July 15 payment, consistent with this section, the Office of the State Superintendent of Education ("OSSE") shall hold the July 15 payment in escrow pending a final decision by the eligible charter authority. Upon a final revocation decision, the Mayor shall have no obligation to release the escrow funds. The OSSE, in its discretion, may approve the distribution of the July 15 payment as it considers appropriate.

(Mar. 26, 1998, D.C. Law 12-207, § 107b, as added Apr. 13, 2005, D.C. Law 15-348, § 101(d), 52 DCR 1991; Oct. 20, 2005, D.C. Law 16-33, § 4012(e), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-192, § 4002(f), 53 DCR 6899; Sept. 14, 2011, D.C. Law 19-21, § 4032, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-33, rewrote subsec. (b), which had read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, each payment shall be one-fourth of each public charter school's entitlement based on its October enrollment count. The basis of the July 15 and October 15 payments shall be the unaudited numbers contained in the reports submitted by the eligible chartering authorities under § 38-1804.02(a). 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) The payment of October 15, 2000, shall be 50% of each public charter school's entitlement based on its unaudited October 5 enrollment count."

D.C. Law 16-192 rewrote subsec. (b); and added subsecs. (f) and (g). Prior to amendment, subsec. (b) read as follows:

"(b) Each payment shall be one-fourth of each public charter school's entitlement, determined as follows:

"(1) 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 § 38-1804.02(a) of the number of students that will be enrolled at that public charter school on October 5;

"(2) The basis of the October 25 and January 15 payments shall be the unaudited numbers for that school contained in the reports submitted by the eligible chartering authorities on October 5; and

"(3) The basis of the April 15 payment shall be the audited October enrollment numbers; provided, that these amounts shall be adjusted in accordance with the provisions of § 38-2905."

D.C. Law 19-21 added subsec. (h).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 4012(e) 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 § 4002(f) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(f) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(f) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4032 of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

Legislative History of Laws

For Law 15-348, see notes following § 38-1800.02.

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

For Law 16-192, see notes following § 38-2731.

For history of Law 19-21, see notes under § 38-271.01.

Miscellaneous Notes

Short title: Section 4031 of D.C. Law 19-21 provided that subtitle D of title IV of the act may be cited as "Charter School Payment Advance Amendment Act of 2011".

§ 38-2907. EDUCATION COSTS EXCLUDED FROM THE FORMULA PAYMENTS.

(a) The cost of transportation for students with disabilities, tuition payments for private placements for students with disabilities, and the cost of performing state education functions for the District of Columbia are not covered by the Formula and shall be allocated by the Mayor and Council to the Office of the State Superintendent of Education ("OSSE"), or to another agency as considered appropriate by the Mayor, in addition to the amount generated by the Formula.

(b) The OSSE, as the state education agency for the District of Columbia, shall perform all state education functions for public charter schools and for DCPS, which are local education agencies.

(Mar. 26, 1999, D.C. Law 12-207, § 108, 45 DCR 8095; Apr. 24, 2007, D.C. Law 16-305, § 57(b), 53 DCR 6198; Mar. 25, 2009, D.C. Law 17-353, § 172(d), 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 4002(e), 57 DCR 181.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2907.

Effect of Amendments

D.C. Law 16-305, in subsec. (a), substituted "students with disabilities" for "handicapped students".

D.C. Law 17-353 validated a previously made technical correction in subsec. (a).

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

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

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

Temporary Addition of Section

See Historical and Statutory Notes following § 31-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 31-2901.

For temporary (90 day) amendment of section, see § 4002(e) 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 § 4002(e) 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 § 4002(e) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 31-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 31-2901.

For Law 16-305, see notes following § 38-911.

For Law 17-353, see notes following § 38-102.

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

§ 38-2908. FACILITIES ALLOWANCE FOR PUBLIC CHARTER SCHOOLS.

(a) Except as provided in subsections (b) and (b-1) of this section, the fiscal year facility allowance for Public Charter Schools shall be determined as follows: DCPS approved capital budget shall be divided by the previous school year ("SY") DCPS total pupil count, as defined in § 38-2906, to determine the DCPS per pupil facility cost.

(b) For fiscal year 2004 through fiscal year 2008, the facility allowance for Public Charter Schools shall be determined as described in subsection (a) of this section, except that the DCPS per pupil facility cost for all previous years shall be averaged with the current year's DCPS per pupil facility cost to determine the Public Charter School per pupil facility allowance. The facility allowance shall then be multiplied by the number of students estimated to be attending each Public Charter School to determine the actual facility allowance payments to be received by each Public Charter School. For each year after FY 2004, this "moving average" shall only include the most recent 5-year's DCPS per pupil facility cost.

(b-1) For fiscal year 2009 and succeeding fiscal years, the per pupil facility allowance for Public Charter Schools shall be \$3000. The facility allowance shall then be multiplied by the number of students estimated to be attending each Public Charter School to determine the actual facility allowance payments to be received by each Public Charter School.

(c) The entire annual payment for facilities shall be included in the first payment of the fiscal year and that any payment for new charter schools shall also be included in the first payment of the fiscal year.

(d) For DCPS or Public Charter Schools that provide students with room and board in a residential setting, in addition to their instructional program, the facilities allowance determined pursuant to this section shall be multiplied by 2.7 for those students in residence at the school.

(e) The facilities allowance shall only apply to students receiving instruction at a Public Charter School educational facility or as otherwise approved by the Office of the State Superintendent of Education.

(Mar. 26, 1999, D.C. Law 12-207, § 109, 45 DCR 8095; Oct. 1, 2002, D.C. Law 14-190, § 3402(e), 49 DCR 6968; Mar. 2, 2007, D.C. Law 16-192, § 4002(g), 53 DCR 6899; Aug. 16, 2008, D.C. Law 17-219, § 4016(d), 55 DCR 7598; Mar. 3, 2010, D.C. Law 18-111, § 4011, 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4022(e), 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2908.

Effect of Amendments

D.C. Law 14-190 rewrote the section which had read as follows:

"§ 38-2908. Facilities allowance for Public Charter Schools."

"(a) The FY 1999 facility allowance for Public Charter Schools shall be determined as follows: The total funds being estimated from all sources for the FY 1998 DCPS capital improvement program shall be divided by the 1997-1998 school year ('SY') DCPS pupil count, as defined in § 38-2906, to determine the 'DCPS per pupil facility cost' for FY 1999. For FY 1999 only, this DCPS per pupil facility cost shall be multiplied by the number of students estimated to be attending each Public Charter School in SY 1998-1999 to determine the actual facility allowance payments to be received by each charter school in FY 1999.

"(b) For FY 2000 and succeeding fiscal years, the facility allowance for Public Charter Schools shall be determined as described in subsection (a) of this section, except that the DCPS per pupil facility cost for FY 2000 shall be averaged with the DCPS per pupil facility cost for FY 1999, to determine the Public Charter School per pupil facility allowance for FY 2000. The FY 2000 Public Charter School per pupil facility allowance shall then be multiplied by the number of students estimated to be attending each Public Charter School in SY 1999-2000 to determine the actual facility allowance payments to be received by each Public Charter School in FY 2000. This 'moving average' shall add 1 year each year until a total of 5 years are included in the calculations. Thereafter, the calculations shall include the most recent 5 years.

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

"(d) For FY 1999, the facilities allowance for Public Charter Schools shall be \$617.00 per student.

"(e) Payment of the facility allowance to each Public Charter School which has applied shall be made on the same schedule as required for the payment of the per pupil allotments for operating funds, that is, 75% in October and 25% by May 1st of each school year."

D.C. Law 16-192 added subsec. (d).

D.C. Law 17-219, in subsec. (a), inserted "Except as provided in subsections (b) and (b-1) of this section," in

subsecs. (b), substituted "fiscal year 2004 through fiscal year 2008" for "FY 2004 and succeeding fiscal years"; and added subsecs. (b-1) and (e).

D.C. Law 18-111, in subsec. (b-1), substituted "\$2,800" for "\$3,109".

D.C. Law 18-223, in subsec. (b-1), substituted "\$3000" for "\$2800".

Temporary Amendments of Section

Section 2(a) of D.C. Laws 13-067 added subsec. (f) to provide:

"(f) For DCPS or Public Charter Schools that provide students with room and board in a residential setting, in addition to their instructional program, the facilities allowance determined pursuant to this section shall be multiplied by 2.7 for those students in residence at the school."

Section 3(b) of D.C. Laws 13-067 provides that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 13-227 added subsec. (f) to read as follows:

"(f) For DCPS or Public Charter Schools that provide students with room and board in a residential setting, in addition to their instructional program, the facilities allowance determined pursuant to this section shall be multiplied by 2.7 for those students in residence at the school."

Section 5(b) of D.C. Law 13-227 provides that the act shall expire after 225 days of its having taken effect.

Section 2(f) of D.C. Law 13-262 amended this section 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 paragraph (1) of 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."

Section 4(b) of D.C. Law 13-262 provides that the act shall expire after 225 days of its having taken effect.

Section 2(f) of D.C. Law 14-6 amended this section 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."

Section 4(b) of D.C. Law 14-6 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90-day) amendment of section, see § 2(a) of Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Emergency Amendment Act of 1999 (D.C. Act 13-152, December 1, 1999, 46 DCR 10395).

For temporary (90-day) amendment of section, see § 2(b) of the Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-282, March 7, 2000, 47 DCR 2026).

For temporary (90 day) amendment of section, see § 2(b) of the Service Improvement and Fiscal Year 2000

Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Emergency Amendment Act of 2000 (D.C. Act 13-456, November 7, 2000, 47 DCR 9418).

For temporary (90 day) amendment of section, see § 2(f) of the Uniform Per Student Funding Formula Emergency Amendment Act of 2000 (D.C. Act 13-485, December 18, 2000, 48 DCR 20).

For temporary (90 day) amendment of section, see § 2(b) of Service Improvement and Fiscal Year 2000 Budget Support Special Education Student Funding Increase Non-service Nonprofit Provider Clarifying and Technical Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-17, March 16, 2001, 48 DCR 2687).

For temporary (90 day) amendment of section, see § 2(f) of Uniform Per Student Funding Formula For Public Schools and Public Charter Schools Emergency Amendment Act of 2001 (D.C. Act 14-18, March 16, 2001, 48 DCR 2691).

For temporary (90 day) amendment of section, see § 3302(e) of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 4002(g) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(g) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(g) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

For temporary (90 day) amendment of section, see § 4011 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 § 4011 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) amendment of section, see § 4022(e) 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 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

For Law 13-227, see notes following § 38-2905.

For Law 13-262, see notes following § 38-2901.

For D.C. Law 14-6, see notes following § 38-2901.

For Law 14-190, see notes following § 38-1208.01.

For Law 16-192, see notes following § 38-2731.

For Law 17-219, see notes following § 38-251.

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

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

Miscellaneous Notes

Short title: Section 4010 of D.C. Law 18-111 provided that subtitle B of title IV of the act may be cited as the "Charter School Facilities Allotment Reform Amendment Act of 2009".

§ 38-2909. COST OF EDUCATION ADJUSTMENT.[REPEALED]

(Mar. 26, 1999, D.C. Law 12-207, § 110, 45 DCR 8095; Mar. 3, 2010, D.C. Law 18-111, § 4002(h), 57 DCR 181; renumbered § 4002(f), Sept. 26, 2012, D.C. Law 19-171, § 95(b), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2909.

Effect of Amendments

D.C. Law 19-171 redesignated § 4002(h) of D.C. Law 18-111 as § 4002(f) of D.C. Law 18-111, subsequent to the repeal of this section.

Temporary Addition of Section

See Historical and Statutory Notes following § 31-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90 day) repeal, see § 4002(h) 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) repeal, see § 4002(h) 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) repeal, see § 4002(f) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

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

For Law 19-171, see notes following § 38-192.01.

§ 38-2910. PROCEDURE FOR ADJUSTING APPROPRIATION IN CASE OF REVENUE UNAVAILABILITY.

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

- (1) The Council shall reduce the foundation level accordingly, and set a schedule for achieving or restoring full funding, however, funding shall not be less than 95% of the previous fiscal year's funding; and
- (2) The Mayor, Council, Superintendent/CEO, and Board of Education shall use their best efforts to obtain temporary supplemental funding from other revenue sources.

(Mar. 26, 1999, D.C. Law 12-207, § 111, 45 DCR 8095; Mar. 2, 2007, D.C. Law 16-192, § 4002(h), 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2910.

Effect of Amendments

D.C. Law 16-192 rewrote par. (2) which had read as follows:

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

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90 day) amendment of section, see § 4002(h) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(h) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(h) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

For Law 16-192, see notes following § 38-2731.

§ 38-2911. PERIODIC REVISION OF FORMULA.

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

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

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

(c) The State Education Office shall make recommendations to revise and review the formula as described in subsection (a) of this section for submission to the Mayor and the Council.

(Mar. 26, 1999, D.C. Law 12-207, § 112, 45 DCR 8095; Mar. 2, 2007, D.C. Law 16-192, § 4002(i), 53 DCR 6899.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2911.

Effect of Amendments

D.C. Law 16-192 added subsec. (c).

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90 day) amendment of section, see § 4002(i) of Fiscal Year 2007 Budget Support Emergency Act of 2006 (D.C. Act 16-477, August 8, 2006, 53 DCR 7068).

For temporary (90 day) amendment of section, see § 4002(i) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2006 (D.C. Act 16-499, October 23, 2006, 53 DCR 8845).

For temporary (90 day) amendment of section, see § 4002(i) of Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007 (D.C. Act 17-1, January 16, 2007, 54 DCR 1165).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

For Law 16-192, see notes following § 38-2731.

§ 38-2912. VARIATIONS IN PER PUPIL ALLOCATIONS.

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

(Mar. 26, 1999, D.C. Law 12-207, § 113, 45 DCR 8095.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2912.

Temporary Amendments of Section

Section 2 of D.C. Laws 13-087 added the School Proximity Traffic Calming Temporary Act of 1999 to provide:

"a) The Mayor is authorized to install traffic control devices, as deemed necessary, after completing an investigation of school zones.

"(b) The Mayor shall, when conducting an investigation, consider the number of persons who have been hit by a vehicle, bicycle, or motorcycle in a school zone, the likelihood of these accidents occurring in the future and the volume of traffic.

"(c) The District of Columbia Public Schools and the Metropolitan Police Department shall submit monthly statistical reports to the Mayor which shall include:

"(1) The number of persons who were hit by a vehicle, bicycle or motorcycle in and around school zones; and

"(2) The type of injuries suffered.

"(d) The information in subsection (c) of this section shall be made available, within 15 days from the date of request from the Mayor.

"(e) School zones shall have a speed limit posted at 15 miles per hour and signs erected warning of the existence of children. For those school zones that have a traffic control device, signs shall be erected warning of the existence of these devices.

"(f) At least one crossing guard shall be placed at elementary schools. Crossing guards shall be placed at middle or junior high schools, and high schools where deemed necessary by the Metropolitan Police Department.

"(g) Traffic control devices, when constructed and posted pursuant to this section, shall not be deemed obstructions of the road or street. No action shall be brought on behalf of any party against the District for damages caused by a speed control device.

"(h) The Mayor shall submit a report to the Council which shall include the findings of the investigation and the type of traffic control devices that should be installed at all school zones within 60 days from the effective date of this act.

"(i) For purposes of this act, "traffic control devices" includes traffic signals, flashing red and yellow signals, stop signs, signs that warn of the existence of children, markers, speed humps or bumps, rumble strips, or signs that reduce the speed limit."

Section 4(b) of D.C. Laws 13-087 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

See Historical and Statutory Notes following § 38-2901.

Emergency Act Amendments

For temporary addition of chapter, see note to § 38-2901.

For temporary (90-day) addition of section, see § 2 of the School Proximity Traffic Calming Emergency Act of 1999 (D.C. Act 13-195, December 1, 1999, 46 DCR 10437).

For temporary (90-day) addition of section, see § 2 of the School Proximity Traffic Calming Congressional Review Emergency Act of 2000 (D.C. Act 13-279, March 7, 2000, 47 DCR 2209).

For temporary (90 day) addition of § 38-2951, see § 3372 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

For legislative history of D.C. Law 12-180, see Historical and Statutory Notes following § 38-2901.

For legislative history of D.C. Law 12-207, see Historical and Statutory Notes following § 38-2901.

§ 38-2913. SERVICES.

Beginning in fiscal year 2014, services provided by District of Columbia government agencies to public schools shall be provided on an equal basis to the District of Columbia Public Schools and public charter schools. Any services that are funded apart from the Uniform per Student Funding Formula shall not also be funded by the Uniform Per Student Funding Formula.

(Mar. 26, 1999, D.C. Law 12-207, § 115, as added Sept. 24, 2010, D.C. Law 18-223, § 4062, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(d), 58 DCR 1008; Sept. 20, 2012, D.C. Law 19-168, § 4072, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-370 substituted "2013" for "2012".

D.C. Law 19-168 substituted "fiscal year 2014" for "fiscal year 2013".

Emergency Act Amendments

For temporary (90 day) additions, see § 4062 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 § 402(d) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

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

For history of Law 18-370, see notes under § 38-821.02.

For history of Law 19-168, see notes under § 38-751.01.

Miscellaneous Notes

Short title: Section 4061 of D.C. Law 18-223 provided that subtitle G of title IV of the act may be cited as the "Public Education Finance Reform Commission Establishment Amendment Act of 2010".

Short title: Section 4071 of D.C. Law 19-168 provided that subtitle H of title IV of the act may be cited as "Education Funding Formula Equity Amendment Act of 2012".

§ 38-2914. PUBLIC EDUCATION FINANCE REFORM COMMISSION.

(a)(1) An independent organization shall be retained by the Mayor of the District of Columbia to convene and staff an independent commission on public education finance reform in the District of Columbia, to be known as the Public Education Finance Reform Commission ("Commission").

(2) The Commission shall:

(A) Be conducted according to the standard procedures of the independent organization, with full cooperation of the:

- (i) Council;
- (ii) Mayor;
- (iii) Chancellor;
- (iv) State Superintendent of Education; and
- (v) Other government personnel;

(B) Establish a process by which the public may participate in providing information, opinion, and reaction to Commission proceedings and reports; and

(C) Post all documents that it produces on the Internet.

(3) All Commission meetings and deliberations shall be open to the public.

(b) The Commission shall study and report on revisions to the Uniform Per Student Funding Formula with regard to improvements in:

- (1) Equity;
- (2) Adequacy;
- (3) Affordability; and
- (4) Transparency, including:

(A) The maintenance of uniformity in funding between District of Columbia Public Schools ("DCPS") and public charter schools, taking into account services provided without charge by other District of Columbia agencies;

(B) The determination of the funding level needed by DCPS and the public charter schools to provide educational services sufficient to enable public school students, including special education students and English-language learners, to meet the academic standards of the District of Columbia;

(C) The fiscal ability of the District of Columbia government to provide the necessary funding level; and

(D) The presentation of the Uniform Per Student Funding Formula and calculations made pursuant to it so that the public may clearly understand the basis of the calculations and related budget appropriations.

(c)(1) Prior to the delivery of final recommendations, the Commission shall provide to the Mayor and Council an equity report detailing for fiscal years 2009 and 2010:

(2) The equity report shall include:

(A) An analysis of the impact of these payments, transfers, in-kind services, and reprogramming on

the uniformity of funding for DCPS and public charter schools;

(B) Recommendations for increasing uniformity in the 2013 budget and succeeding years; and

(C) Weaknesses in the Uniform Per Student Funding Formula Act or in its implementation, if any, that interfere with uniformity of funding.

(d) No later than November 30, 2011, the Commission shall provide the Mayor and Council with a final report and its recommendations for consideration in the development of the fiscal year 2013 budget.

(Mar. 26, 1999, D.C. Law 12-207, § 116, as added Sept. 24, 2010, D.C. Law 18-223, § 4062, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 402(e), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 7013, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 97, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-370, in subsec. (a)(1), substituted "Mayor" for "Council"; rewrote subsec. (c)(1); and, in subsec. (d), substituted "September 30" for "June 30". Prior to amendment, subsec. (c)(1) read as follows:

"(c)(1) No later than January 31, 2011, the Commission shall provide to the Council an equity report detailing for fiscal years 2009 and 2010:"

D.C. Law 19-21, in subsec. (c)(1), substituted "Prior to the delivery of final recommendations, the Commission shall provide to the Mayor and Council" for "No later than January 31, 2011, the Commission shall provide to the Council"; and, in subsec. (d), substituted "November 30, 2011" for "June 30, 2011".

D.C. Law 19-171, in subsecs. (c-1) and (d), validated previously made technical corrections.

Emergency Act Amendments

For temporary (90 day) additions, see § 4062 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 § 402(e) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

For temporary (90 day) amendment of section, see § 7013 of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

Legislative History of Laws

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

For history of Law 18-370, see notes under § 38-821.02.

For history of Law 19-21, see notes under § 47-305.02.

For history of Law 19-171, see notes under § 38-192.01.

SUBCHAPTER II. TANF FUND SHARING.

§ 38-2931. DISTRIBUTION OF TANF OR HEALTH AND HUMAN SERVICES FUNDS FOR AFTER-SCHOOL PROGRAMS.

The District of Columbia Public Schools ("DCPS") shall distribute any TANF or Health and Human Services funds that it receives that are designated for after-school programs, on an equitable basis, to DCPS and Public Charter Schools serving students with after-school programs, that receive funding based on the Uniformed Per Pupil Funding Formula.

(Oct. 1, 2002, D.C. Law 14-190, § 3472, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 38-2951.

Legislative History of Laws

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.