

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the School Based Budgeting and Accountability Act of 1998 to require a 10-year Master Facilities Plan and bi-annual supplement which considers the facility planning needs of each local education agency in the District of Columbia; and to amend the requirements for the formulation of the 6-year DCPS capital improvement plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Planning Actively for Comprehensive Education Facilities Amendment Act of 2016”.

Sec. 2. The School Based Budgeting and Accountability Act of 1998, approved March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2803), is amended as follows:

(a) Section 1102a is amended to add a new paragraph (2A) to read as follows:

“(2A) “Full-funded cost estimate” means any and all projected costs over a capital project’s entire active period not limited to six fiscal years including costs for necessary swing space, and soft costs such as architectural design, engineering, project management, moving expenses and other pre- and post-construction expenses.

(b) Section 1104 is amended as follows:

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

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

“(1) Beginning on December 15, 2017 and every 10 years thereafter, the

35 Mayor shall prepare and submit to the Council for its review and approval a comprehensive 10-  
36 year Master Facilities Plan for public education facilities, along with a proposed resolution, in  
37 accordance with this section. In the “master plan year,” the Council shall vote on the 10-year  
38 Master Facilities Plan concurrently with its vote on the Mayor’s capital budget proposal. If  
39 approved by the Council, the 10-year Master Facilities Plan shall take effect on the first day of  
40 the succeeding fiscal year.”.

41 (B) Paragraphs (2) and (3) are amended by striking the phrase “5-year  
42 Master Facilities Plan” and inserting the phrase “10-year Master Facilities Plan” in its place.

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

44 (A) Paragraph (2) is amended as follows:

45 (i) Subparagraph (A) is amended to read as follows:

46 “(A) The facilities condition assessment for each school building  
47 and facility under the control and jurisdiction of the District of Columbia Public Schools  
48 (“DCPS”) and each authorized public charter school campus;”.

49 (ii) Subparagraph (B) is amended as follows:

50 (I) Strike the phrase “5-year facility needs” and inserting  
51 the phrase “10-year facility needs” in its place.

52 (II) Subsection (ii) is amended by striking the word “and”.

53 (III) Subsection (iii) is amended by adding the word “and”  
54 after “;”.

55 (IV) A new subsection (iv) is added to read as follows:

56 “(iv) DCPS school attendance zone boundaries.”

57 (iii) Subparagraph (C) is amended by striking “;” and inserting the  
58 phrase “for each DCPS school and public charter school;”.

59 (iv) Subparagraph (H) is amended to read as follows:

60 “(H) A communications and community involvement plan for each  
61 geographic planning area that includes engagement of key stakeholders throughout the  
62 community, including, but not limited to:

63 “(i) Advisory Neighborhood Commissions;

64 “(ii) Local school restructuring teams;

65 “(iii) School improvement teams; and

66 “(iv) Ward and city-wide based volunteer civic groups.

67 (v) Subparagraph (I) is amended by striking the phrase “health, and  
68 welfare sectors;”.

69 (B) Paragraph (3) is amended as follows:

70 (i) Strike the phrase “annual supplement” and insert the phrase “bi-  
71 annual supplement” in its place.

72 (ii) Subparagraph (A) is amended as follows:

73 (I) Subsection (i) is amended by striking the phrase “it  
74 considers”.

75 (II) Subsection (ii) is amended to read as follows:

76 “(ii) Educational specifications for elementary schools,  
77 middle schools, education campuses, and high schools.”.

78 (III) Subsection (iii) is amended to read as follows:

79 “(iii) Its 5-year enrollment projections for each school  
80 under its jurisdiction.”

81 (iii) Subparagraph (B) is amended to read as follows:

82 “(B) Each public charter school local education agency, which  
83 shall transmit to OPEFP:

84 “(i) Educational plans and policies relevant to the facilities  
85 planning process;

86 “(ii) Its 5-year enrollment growth plans; and

87 “(iii) Its 5-year projection of facility needs.”.

88 (iv) Subparagraph (E) is amended as follows:

89 (I) Strike the phrase “enrollment, utilization,” and insert the  
90 word “capacity” in its place.

91 (II) Strike the phrase “, and transmit the results to OPEFP.”  
92 and insert the phrase “the status of tests of facility water sources for lead, and any potential  
93 asbestos hazards. The results shall be transmitted to each local education agency and OPEFP,  
94 and be made publicly available online.” in its place.

95 (v) A new subparagraph (F) is added to read as follows:

96 “(F) The failure of a local education agency to provide the required  
97 data to OPEFP for the development of the Master Facilities Plan and bi-annual supplement, or to  
98 provide the Department of General Services with adequate access to facilities to conduct the  
99 annual survey as required in subparagraph (E) may result in loss of local facility funding or  
100 financing assistance.”.

101 (C) Paragraph (4) is repealed.

102 (3) Subsection (c) is amended as follows:

103 (A) Strike the existing text in paragraph (2) and insert “The District of  
104 Columbia Public Schools” in its place.

105 (B) Paragraph (4) is amended by striking the word “and”.

106 (C) Designate the existing text in paragraph (6) as the new paragraph (8).

107 (D) New paragraphs (6) and (7) are added to read as follows:

108 “(6) The Office of Planning;

109 “(7) The Department of General Services; and”.

110 (4) Subsection (d) is amended to read as follows:

111 “(d)(1) Beginning in fiscal year 2017, the Chancellor of DCPS shall prepare and  
112 update annually a 6-year DCPS capital improvement plan (“DCPS CIP”) which includes  
113 recommendations regarding timing, location, and full-funded costs associated with  
114 modernization of existing school facilities, new school facility construction, or other school  
115 facility capital improvements, including infrastructure and facility subsystems replacement and  
116 upgrades. The DCPS CIP shall be updated each fiscal year as part of the Mayor’s capital  
117 improvement plan for all public facilities, as required by § 1-204.44.

118 “(2) The DCPS CIP shall include:

119 “(i) A description of guiding principles to frame decisions with the  
120 DCPS CIP. These guiding principles shall be revisited with each new DCPS CIP to ensure that  
121 they are consistent with the DCPS strategic plan, the Master Facilities Plan, and the needs of the  
122 community;

123 “(ii) A description of the process and timeline used to develop the  
124 DCPS CIP including community engagement;

125                                   “(iii) A longitudinal and future analysis of DCPS student  
126 enrollment and school facility capacity needs; and

127                                   “(iv) School specific project recommendations on the timing and  
128 funding for modernization of existing school facilities, new school facility construction, or other  
129 school facility capital improvements planned for the next fiscal year and the succeeding 5 fiscal  
130 years. The DCPS CIP shall include the following information for each project planned:

131                                   “(I) A description of the scope of work to be done, schedule  
132 of projected major milestones, dates each project milestone was met and an explanation for any  
133 delay in meeting any project milestone;

134                                   “(II) Justification for the modernization, new construction,  
135 or other capital improvements supported by student enrollment projections and the number of  
136 age appropriate students living within the attendance zone for DCPS neighborhood schools,  
137 facility condition assessment, assessment of physical aspects of the entire property, program  
138 capacity analysis, special program space requirements, and assessment of need for use as an  
139 educational facility;

140                                   “(III) A full-funded cost estimate of improvements based  
141 on the required feasibility study pursuant to subparagraph (4) of this subsection;

142                                   “(IV) A cost estimate of improvements planned for the next  
143 fiscal year and the succeeding 5 fiscal years and a detailed explanation for any proposed  
144 increases over 10% from the prior year DCPS CIP estimate;

145                                   “(V) The estimated cost of annual maintenance and  
146 operations of the improved facility;

147                                   “(VI) The lifetime expenditure for the project; and

148 “(VII) The name, address, and ward of each project.

149 “(3)(A) The modernization of existing school facilities and other  
150 school facility capital improvements shall be prioritized for inclusion in the DCPS CIP based on  
151 certain objective criteria.

152 “(B) By September 30, 2016 and each year thereafter, DCPS shall  
153 analyze and calculate a prioritization score for each school facility in its portfolio by providing a  
154 standard score of 1 to 10 based on the normal distribution of the raw data and applying  
155 weightings to categories and subcategories as follows:

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Base Category	Base Category Weighting	Subcategory Definition	Subcategory Weighting
Equity	0.60	Date and type of last major construction through the preceding fiscal year	0.25
		Expenditures for modernizations and capital improvements for Fiscal Year 1998- through the preceding fiscal year per square feet of the school facility	0.20
		Evaluation of the school facility condition based on the annual survey completed by the Department of General Services	0.15
Demand	0.20	Average percentage of the school’s enrollment growth over the past five school years based on audited enrollment	0.10
		Average percent of facility’s building	0.10

		utilization over the past five school years	
Community Need	0.20	In-boundary school age children as compared to facility capacity	0.05
		Percent change in projected number of school age children in neighborhood cluster over a 6 year time period	0.05
		Total number of modernized square feet in the school's feeder pattern divided by total square footage of the feeder pattern	0.05
		At-risk enrollment numbers based on the current school year enrollment project	0.05

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(i) An add-on score of 1 weighted at 0.50 is provided each school that utilizes temporary facility structures, such as portables or modulars, to achieve the capacity necessary for the student enrollment and academic program needs.

“(C) DCPS shall transmit to the Council all of the prioritization and raw data, and shall make the information publicly available online.

“(D) In addition to the prioritization score based on criteria outlined in this subparagraph, DCPS shall consider the following factors when determining the prioritization and inclusion of projects in the DCPS CIP:

- “(i) Availability of capital funding in the budget;
- “(ii) Availability of appropriate swing space;
- “(iii) Imminent health and safety concerns;

169                                   “(iv) Need for additional planning for a project;  
170                                   “(v) New special program space requirements; and  
171                                   “(vi) Scope and sequence of projects due to planned grade  
172 configuration changes, boundary changes, consolidations, or closures.

173                                   “(E) Within 120 days of the release of the prioritization data, DCPS shall  
174 conduct at least 1 public meeting with the school community for each school facility project  
175 likely to be added, removed or extensively modified in the next fiscal year’s 6-year DCPS CIP.

176                                   “(4) Prior to a school or other education facilities project being included in the  
177 DCPS CIP, the project shall have the following completed:

178                                   “(A) An educational specification approved by DCPS with community  
179 engagement; and

180                                   “(B) A feasibility study, including a full-funded cost estimate to the  
181 schematic design for the project, that has been made publicly available online.

182                                   Sec. 3. Fiscal impact statement.

183                                   The Council adopts the fiscal impact statement in the committee report as the fiscal impact  
184 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
185 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

186                                   Sec. 4. Effective date.

187                                   This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor,  
188 action by Council to override the veto), a 30-day period of Congressional review as provided in  
189 section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
190 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia  
191 Register.