

Mark-up with changes for PACE B21-0777 Planning Actively for Comprehensive Education Facilities Amendment Act of 2016 as introduced – Mark-up courtesy of Mary Levy

§ 38-2801.01. Definitions.

For the purposes of this subchapter, the term:

(1) "DCPS" means the District of Columbia Public Schools, established by § 38-171.

(2) "Excess" means no longer needed for operational purposes for DCPS or another District agency.

(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.

§ 38-2803. Multiyear Facilities Master Plan.

(a) (1) Beginning on December 15, ~~2012-2017~~ and every 5-10 years thereafter, the Mayor shall prepare and submit to the Council for its review and approval a comprehensive 5-10-year Master Facilities Plan for public education facilities, along with a proposed resolution, in accordance with this section. In the "master plan year," ~~the~~ Council shall vote on the 5-10-year Master Facilities Plan concurrently with its vote on the Mayor's capital budget proposal. If approved by the Council, the 5-10-year Master Facilities Plan shall take effect on the first day of the succeeding fiscal year.

(2) The Council shall conduct at least one public hearing on the proposed 5-10-year Master Facilities Plan before approval.

(3) If, subsequent to Council approval of the 5-10-year Master Facilities Plan, material changes to the plan become necessary, the Mayor may modify the plan; provided, that any modification shall be submitted to the Council for review and approval along with the Mayor's annual submission of a capital budget recommendation for public schools.

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

(1A) Repealed.

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

data on:

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

(B) The capacity of existing schools, current level of utilization, projected 510-year facility needs for each local education agency, and recommendations for the utilization or reduction of excess space, including, as appropriate, specific recommendations on:

(i) Consolidation;

(ii) Closure; ~~and~~

(iii) Co-location; and

(iv) DCPS school attendance zone boundaries.

(C) Historical and projected enrollment for each DCPS school and public charter school;

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

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

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

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

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

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

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

(i) Advisory Neighborhood Commissions;

(ii) Local school restructuring teams;

(ii) School improvement teams; and

~~(iii) Advisory Neighborhood Commissions, Ward and city-wide based volunteer civic groups.~~

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

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

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

(L) A safety and security assessment of educational facilities based upon a comprehensive examination of the facility's physical environment for crime vulnerabilities, including an analysis of:

(i) Surveillance capabilities, both active and passive;

(ii) Access control, including the ability to securely manage who enters and exits the facility; and

(iii) Facility maintenance.

(2A) Any school disposition, including a plan delineating the process through which citizen involvement shall be facilitated, and establishing the criteria that will be utilized in disposition decisions, one of which shall be consideration of the impact of any proposed new use of a school building on the neighborhood in which the school building is located; and

(A) Results of the Department of General Services annual survey as set forth in paragraph (3)(E) of this subsection;

(B) Updated information on:

(i) Enrollment projections at the local education agency level and the individual school level for both DCPS and public charter schools; and

(ii) Facility needs for each local education agency;

(C) A plan, including co-location options, to increase utilization at any school facility in use by DCPS with a utilization rate of less than 50%;

(D) A plan to ensure that each school facility in use by DCPS that is at 95% utilization or above does not suffer from overcrowding but can sufficiently meet the facility and academic needs of its students; and

(E) Each school facility's designation as one or more of the following:

- (i) In use primarily for classroom instruction;
- (ii) In use primarily for swing space;
- (iii) In use primarily for DCPS administrative purposes, including storage;
- (iv) In use by an entity other than DCPS;
- (v) Vacant; or
- (vi) Significantly underused.

(3) The following agencies shall work with the OPEFP in the development of the Master Facilities Plan and the bi-annual supplement:

(A) The District of Columbia Public Schools, which shall transmit to the OPEFP:

- (i) Educational plans and policies ~~it considers~~ relevant to the facilities planning process;
- (ii) Educational specifications for elementary schools, middle schools, education campuses, and high schools~~each facility subject to modernization~~;
- (iii) Its 5-year enrollment projections for each school under its jurisdiction; and
- (iv) Its 5-year projections of facility needs;

(B) ~~The Public Charter School Board~~, Each public charter school local education agency, which shall transmit to OPEFP:

- (i) ~~Collect and transmit to the OPEFP~~ Educational plans and policies of individual public charter schools, 5-year enrollment growth plans, data on existing public charter school facilities and facilities-related needs, and other information considered relevant to the facilities planning process; ~~and~~
- (ii) ~~Establish a Public Charter School facilities registry in which individual public charter schools will have the opportunity to register to receive facilities planning and technical support from the OPEFP, including the analyses and data compiled pursuant to paragraph (2) of this subsection~~ Its 5-year enrollment growth plans; and

(iii) Its 5-year projection of facility needs;

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

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

(E) The Department of General Services, which shall conduct an annual survey to update information on the enrollment, utilization, capacity and condition of each DCPS and charter school facility, including a review of whether or not the facility has a working carbon monoxide detector, ~~and transmit the results to OPEFP~~the status of tests of facility water sources for lead, and any potential asbestos hazards. The results shall be transmitted to each local education agency and OPEFP, and be made publicly available online.

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

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

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

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

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

(1) The Council;

(2) The ~~Director of the Office of Public Education Facilities Modernization~~District of Columbia Public Schools;

(3) The Public Charter School Board;

(4) Representatives of public charter schools; ~~and~~

(5) Repealed;

(6) The Office of Planning

(7) The Department of General Services; and

(68) Key stakeholders throughout the community.

(d) (1) Beginning in fiscal year ~~2010~~2017, ~~a Public School Facility capital improvement plan ("School Facility CIP")~~the chancellor of DCPS shall prepare and update annually a 6-6 year DCPS capital improvement plan ("DCPS CIP") which includes recommendations regarding timing, location, and full-funded costs associated with modernization of existing school facilities, new school facility construction, or other school facility capital improvements, including infrastructure and facility subsystems replacement and upgrades. The DCPS CIP shall be updated each fiscal year as part of the Mayor's capital improvement plan for all public facilities, as required by § 1-204.44.

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

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

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

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

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

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

(#II) Justification for the modernization, new construction, or other capital improvements supported by student enrollment projections and the number of age appropriate students living with the attendance zone for DCPS neighborhood schools, facility condition assessment, assessment of physical aspects of the entire property, program capacity analysis, special program space requirements, and assessment of need for used as an educational facility work pursuant to the Master Facilities Plan;

(#III) A full-funded cost estimate of improvements based on the required feasibility study pursuant to subparagraph (4) of this subsection planned for the next fiscal year and the succeeding 5 fiscal years;

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

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

(~~vi~~VI) The ~~lifetime expenditure for the project~~ amount of capital funds expended in ~~the prior fiscal year;~~ and

(~~vii~~VII) The name, address, and ward of each project.

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

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

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

		<u>on audited enrollment</u>	
		<u>Average percent of facility's building utilization over the past five school years</u>	<u>0.10</u>
<u>Community Need</u>	<u>0.20</u>	<u>In-boundary school age children as compared to facility capacity</u>	<u>0.05</u>
		<u>Percent change in projected number of school age children in neighborhood cluster over a 6 year time period</u>	<u>0.05</u>
		<u>Total number of modernized square feet in the school's feeder pattern divided by total square footage of the feeder pattern</u>	<u>0.05</u>
		<u>At-risk enrollment numbers based on the current school year enrollment project</u>	<u>0.05</u>

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

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

~~— (B) Each School facility CIP shall:~~

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

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

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

~~(3) (AE) Within 120 days of the release of the prioritization data, DCPS shall conduct at least 1 public meeting with the school community for each school facility project likely to be added, removed or extensively modified in the next fiscal year's 6-year DCPS CIP. No more than 60 days or less than 30 days prior to the Mayor's submission of a School Facility CIP to the Council, and upon 15 days public notice, the Mayor shall conduct a public hearing to solicit the views of the public. In no event shall the hearing be prior to the annual submission by the Office of Public Education Facilities Modernization of its proposed budget to the Mayor.~~

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

~~(A) An educational specification approved by DCPS with community engagement; and~~

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

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

~~(e) (1) Within 30 days of the release of the annual supplement to the Master Facilities Plan as required by subsection (b)(2A) of this section, the District shall:~~

~~(A) Determine which school facilities will be designated as excess; and~~

~~(B) Make a list of these properties, and those deemed excess pursuant to paragraph (2) of this subsection, publicly available on its website.~~

~~(2) Unless written justification is made publicly available at the time of the publication of the list as required in paragraph (1) of this subsection based on projected operational needs of DCPS or another District agency, a~~

school facility shall be automatically deemed excess if it has been designated in the annual supplement to the Master Facilities Plan as:

(A) Vacant; or

(B) Significantly underused for 2 consecutive years.