

## Will Perkins – Testimony – Monday, Feb 9<sup>th</sup>, 2026

### COW Public Hearing on Oversight on Ten Years of the PACE Act & B26-489

Chairman Mendelson,

Thank you for scheduling this hearing. My name is Will Perkins and I'm here today to share some of my experience with the PACE Act and my recommendations for improving it. I'm here in my personal capacity but in a previous life, I served as Council staff for nearly four years, including two as Committee Director for the Committee on Facilities. I also worked as an analyst at the Office of the DC Auditor and at the 21<sup>st</sup> Century School Fund. In each role, I tracked the DCPS capital budget very closely – developing a keen understanding of the PACE Act's strengths, weaknesses, and opportunities for improvement.

*First, some praise: **The PACE Act stands apart for putting policy & data over politics.***

Councilmember Grosso, and his then Committee Director and future Councilmember, Christina Henderson, deserve immense credit for this legislation. The PACE Act represents a triumph of rational, data-driven policymaking that's all too rare. The Council and the Mayor agreed to let facility conditions, demand, and equity be the drivers of capital investment rather than political influence. Further, in the 9 years since its passage, the city's leaders have sustained that investment with dozens of full modernizations completed citywide. Thank you for your leadership!

That said, I have five recommendations for strengthening the PACE Act and the Council's oversight of facilities modernizations in general.

#### **1. Clarify Critical Plan Elements needed in the next 10-year MFP (§ 38–2803(b)(2))**

In 2019, the Council disapproved the 2018 MFP as “not a plan” for lacking critical elements like plans to address overcrowding, underutilization, and how they defined FCI.<sup>1</sup> DC Code § 38–2803(b)(2) includes 12 subparagraphs (A through L) of what's required in each full MFP, and yet much is still missing. The Council should amend the list to make explicit requirements for a cross-sector education plan and long-range recommendations for addressing severe overcrowding or underutilization in both sectors.

#### **2. Codify recent improvements in the MFP annual supplement (§ 38–2803(b)(2A))**

The 2024 annual supplement is the first in recent years to include school-specific plans for addressing high (> 95%) and low (< 50%) utilization among DCPS schools. Past supplements uniformly relied on the same phrase for both over- and under-utilized schools: “DCPS will monitor enrollment to ensure a satisfactory learning environment is provided.”<sup>2</sup> The Council should make explicit that required plans<sup>3</sup> must be unique to each school's situation. Further, the Council should consider adding public charter schools to this requirement.

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<sup>1</sup> L23-33, Committee Report, P. 4: <https://lims.dccouncil.gov/Legislation/B23-0216>

<sup>2</sup> 2019-2022 MFP Annual Supplements: <https://dme.dc.gov/service/public-education-facility-planning>

<sup>3</sup> DC Code § 38–2803(b)(2A)(C) and (D)

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#### 3. Clarify PCSB and DGS roles re charter school data ((§ 38-2803(b)(3)(B) and (E))

DC Code requires PCSB to “collect and transmit … data on existing public charter school facilities” to DME.<sup>4</sup> The same sub-sub-section requires DGS to (in collaboration with DME, DCPS and the PCSB) to “conduct an annual survey … of each DCPS and public charter school facility” and disaggregate survey results by facility.<sup>5</sup> It’s unclear which agency is truly responsible.

In 2016, the PACE Act added the annual (school-specific) survey requirement for DGS. The committee report said, “What does the fact that 32% of school respondents report concerns with their HVAC system add to the conversation about facility planning needs? Not much since there is not reporting on which schools have this problem, or how many school have this problem.”<sup>6</sup> The same could be said today: below is a screenshot of what DME included in last year’s MFP annual supplement for public charter school facilities.<sup>7</sup> DGS is not in compliance with this requirement.

Public charter school facility needs and conditions, SY24-25	
DC PCSB surveyed public charter schools to collect information on facility conditions for all public charter schools through its annual Public Charter Facility Survey. Summary results are presented below.	
<b>Facility conditions</b>	
Percent of facilities where Carbon Monoxide Detectors are present in the facility:	
Percent of facilities where Asbestos is present in the facility:	
Public Charter School 2024 lead testing results can be found at the following link:	
Percent of facilities that responded that the following building elements are "Very Good" or "Good":	
Foundation	89%
Roof	78%
Exterior Walls	87%
Basements	65%
Elevators	81%
Floors	86%
Finishes	89%
Furnishings	90%
Staircases	89%
Interior Walls	86%
Electrical Services	85%
Fire Protection Services	84%
HVAC Services	74%
Plumbing Services	71%
Specialized Equipment	67%
Accessibility Equipment	83%

<sup>4</sup> § 38-2803(b)(3)(B)(i)

<sup>5</sup> § 38-2803(b)(3)(E)(ii)

<sup>6</sup> L21-219, Committee Report, P. 10: <https://lims.dccouncil.gov/Legislation/B21-0777>

<sup>7</sup> 2024 MFP Supplement, Appendix 1: <https://dme.dc.gov/node/1798771>

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It appears this Executive believes DGS may not have the authority to survey charter schools operating in privately-owned space, although that theory remains unproven.<sup>8</sup> The PACE Act anticipated some resistance from charter schools, and so the Mayor is empowered to fine the PCSB up to \$10,000 a year if schools fail to participate in the survey. To date, it appears the Mayor has not utilized this power.

The 2023 MFP recommended improving PCS facility conditions reporting and developing PCS facility standards.<sup>9</sup> I recommend that the Council examine why DGS has not surveyed charter schools in the past as required by the PACE Act. Facility-level data is essential to understanding the needs of the District's public charter schools. The Council should consider requiring that the Mayor fine PCSB if charter school LEAs refuse to participate in the DGS annual survey.

#### **4. Require DCPS share long-range swing space plans ((§ 38-2803(d)(4)(C)(iii))**

Each summer DCPS publishes supporting documentation for the DCPS CIP, taking the form of a very long PDF posted on LIMS with little fanfare. The key detail was an update to future swing space plans for schools in the six-year CIP. Through 2023, DCPS published specific plans for each upcoming modernization. I developed a spreadsheet to track the usage of each DCPS swing space through the remainder of the CIP and shared it widely.<sup>10</sup>

Tracking this issue allowed our office to help propose alternative swing space plans for several Ward 4 schools early enough in the process to have an impact (ex: Truesdell and Whittier/LaSalle-Backus). In 2024, DCPS reverted to simply saying “on-site or off-site” for each school – which is all that's technically required. The Council should require site-specific plans be shared throughout the length of the CIP when available.

#### **5. Consider developing a PACE-like system for DCPS small capital projects**

As mentioned, the PACE Act has been tremendously successful at reducing political influence in the prioritization of DCPS school modernization. Unfortunately, no such system exists for small capital projects, which number in the dozens each year and represent millions of dollars in DCPS capital spending. There should be a transparent formula and process for how DCPS decides which small cap projects to address when. Without such a process, inequitable outcomes will follow as well-resourced schools lobby for their playgrounds to be fixed or their HVAC to be replaced first.

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<sup>8</sup> In 2018, the DME established a convoluted process for the Walton Family Foundation, Education Forward DC, and Ampersand Education to pay for FCAs in charter schools. See *Washington City Paper* story, “D.C.’s Master Facilities Plan Will Shape the City’s Balance Between Neighborhood Schools and Charters” published October 10<sup>th</sup>, 2018 : <https://washingtoncitypaper.com/article/183599/dcs-master-facilities-plan-will-shape-the-citys-balance-between-neighborhood-schools-and-charters/>

<sup>9</sup> 2023 MFP, page 79: <https://dme.dc.gov/mfp2023>.

<sup>10</sup> DCPS swing space spreadsheet, last updated summer 2024:

<https://docs.google.com/spreadsheets/d/1yh6nipcwQTSYdVSizSTAEIK-nHt3fgWWfk6LMI8DJuE/edit?usp=sharing>

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Thank you again for the opportunity to speak today. I've included some recommended questions for your government witnesses that I hope can be helpful.

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**Recommended Government Witness Questions:**

*Long-Range Facilities Master Planning*

- Initially, each new MFP was due every 10 years but that has since shifted to every five years. What's the best time horizon for long-range educational facilities planning?
- Are there any modifications you'd recommend to the current PACE Act scoring matrix?
- Several schools have faced chronic overcrowding or underutilization in every annual MFP supplement in the last decade. What else can we do to address these persistent challenges?
- How could we develop a PACE-like system for DCPS small capital projects? What sort of data inputs would you want to consider when prioritizing one project over another?

*Public Charter School Facilities*

- The PACE Act requires DGS to conduct an annual survey on the condition of each public charter school facility and disaggregate the results by facility. Why is this survey instead conducted by PCSB and results shared in aggregate?
- Does the Executive believe it doesn't have the authority to survey the conditions of public charter schools operating in privately-owned facilities?
- The PACE Act empowers the Mayor to fine the PCSB up to \$10,000 a year if charter schools fail to cooperate with DGS' annual facilities survey. To date, has the Mayor leveraged this authority? If not, why not?

*Swing Space Planning*

- Why did DCPS stop sharing tentative swing space plans via its annual CIP supplement?
- Please clarify DCPS' policy for when it provides transportation to swing spaces:
  - The 2017 Student Transportation Policy ([page 4](#)) says swing space transportation will be provided if a swing space is both (1) outside the normal boundaries of the school and (2) one mile or more from the school's regular address.
  - The FY26-31 CIP supplement (page 7) says "in the instances where there is no available swing space within two miles of a school undergoing modernization, DCPS will provide swing transportation."

*B26-489, the "PACE Clarification Amendment Act of 2025."*

- Why has DCPS not calculated a prioritization ranking for all schools every five years?
- Does DCPS collect facility condition assessment (FCA) data on all its facilities – including those considered vacant or significantly underused?
- Will DCPS be able to calculate a prioritization score for every facility in its portfolio? If not, what barriers do you anticipate?