DC Office of the State Superintendent of Education

Request for Information No.: DCGD-2010-I-0001

Methodology and Approach Verification for the Audit of the Student Enrollment of DCPS and Public Charter Schools

Date Issued:
February 22, 2010

Due Date for Responses:
March 17, 2010

Points of Contact:
Janet Spevka OSSE - janet.spevak2@dc.gov
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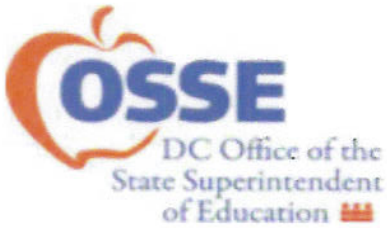
Issued BY:
Office of Contracting and Procurement



REQUEST FOR INFORMATION

Notice Number: DCGD-2010-I-0001

Issued By: District of Columbia Office of Contracting and Procurement and the Office of the State Superintendent of Education

Key Dates: Release Date: February 22, 2010
Response Date: March 17, 2010

Introduction

The District of Columbia Office of Contracting and Procurement (OCP) is issuing a Request for Information (RFI) on behalf of the DC Office of the State Superintendent of Education (OSSE) seeks to obtain information on potential methods to verify the accuracy of the information contained in the annual student enrollment counts and identify any material weaknesses in the systems, procedures, or methodology used by the District of Columbia Public Schools (DCPS) in determining the number of students as described in DC Code §§38-2906 (Attachment 1) and 38-1804.02 (Attachment 2).

Background

As the State Education Agency for the District, the OSSE sets statewide policies, provides resources and support, and exercises accountability for all public education in the District. For example, the OSSE is responsible for determining what students should know and be able to do in subject areas upon completing a specific grade; distributing federal grant funds relating to closing the achievement gap described in the No Child Left Behind; and developing and administering the District's Comprehensive Assessment System to monitor the achievement of students.

In addition, the OSSE is responsible for calculating and verifying the accuracy of the information contained in the annual student enrollment counts and identifying any material weaknesses in the systems, procedures, or methodology used by the DCPS system and public charter schools in 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 assessing and collecting fees and tuition from non-resident students.

All public and public charter schools in the District of Columbia receive funding according to the number of students who are enrolled and the provisions of the Uniform Per Student Funding

Formula. The DC Official Code § 38-1804.02 (d) (2) (Attachment 2).requires an audit that evaluates the accuracy of the fall student enrollment count of students attending public and charter schools in the District including verification of the following:

1. The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools;

2. The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1) of this subsection;

3. The number of students, including nonresident students, enrolled in preschool and pre-kindergarten in the District of Columbia public schools and in public charter schools;

4. The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3) of this subsection;

5. The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools;

6. The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5) of this subsection;

7. The number of students, including nonresident students, enrolled in non-grade level programs in District of Columbia public schools and in public charter schools; and

8. The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7) of this subsection.

Information Requested

The OSSE is interested in creative, sound approaches to fulfill the statutory requirements described in DC Code §§38-2906 (Attachment 1) and 38-1804.02 (Attachment 2) in the most accurate, efficient, and economical manner possible. The OSSE specifically requests the following:

1. Identification and discussion of potential method(s) available to accomplish the requirements including the technical foundation or basis of the method(s)

2. Information on the potential barriers with the implementation of the identified method(s) including a discussion of the expected benefits, strengths, and weaknesses associated with the identified method(s)

3. A discussion of the history, if any, of the successful replication of the identified method(s)

4. Discussion of the use and application of technology associated with the identified method(s)

5. Discussion of the human resources required to implement the identified method(s)

6. Provide any other information you would like regarding the method(s) or the District's requirement

Responses

Responses to this RFI will be accepted until **2:00 pm Thursday March 17, 2010**. Responses can be submitted by any of the following methods:

Electronic Submissions can be sent to janet.spevak2@dc.gov and should indicate Response to RFI No. DCGD-2010-I-0001 in the subject line of the e-mail

Mail or Hand Deliver Submissions to
Government of the District of Columbia
Office of Contracting and Procurement
441 4th Street, NW Bid Room 703
Washington, DC 20001
Attention Janet Spevak

It is not the intention of this RFI to be an extensive or expensive undertaking for respondents. Rather, it is the intent to obtain thoughtful and concise information, elaborate, expensive productions are neither desired nor required.

Contact Person

The contact person for this RFI is Janet Spevak, Contract Specialist in the DC OSSE office. Ms. Spevak can be reached at 202 727-6436 or by email at janet.spevak2@dc.gov

The information submitted will be reviewed by the District and the District may use the information to establish parameters and requirements to prepare one or more solicitations for offers. All respondents to the RFI will be invited to respond to the subsequent solicitation for offers, if any.

Request for Information
DCGD-2010-I-0001

Attachment 1
DC Code §38-2906

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Welcome to the online source for the District of Columbia Official Code

DC ST § 38-2906
Formerly cited as DC ST 1981 § 31-2906

DC ST § **38-2906**

This document has been updated. Use KEYCITE.

Formerly cited as DC ST 1981 § 31-2906

District of Columbia Official Code 2001 Edition Currentness
Division VI. Education, Libraries, and Cultural Institutions.
Title 38. Educational Institutions. (Refs & Annos)
Subtitle X. School Funding.
Chapter 29. Uniform Per Student Funding Formula. (Refs & Annos)
Subchapter I. General.
§ 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.

(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 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;
(3) Repealed.

(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)(1) The student counts reported for October 5 of each year shall be verified by an independent contractor commissioned by the State Education Office. 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 Board of Education is required to submit its 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.

CREDIT(S)

(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.)

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 a 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."

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 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).

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.

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."

DC CODE § **38-2906**

Current through January 3, 2010

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Attachment 2
DC Code §38-1804.02

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DC ST § 38-1804.02
Formerly cited as DC ST 1981 § 31-2853.42

DC ST § **38-1804.02**

Formerly cited as DC ST 1981 § 31-2853.42

District of Columbia Official Code 2001 Edition Currentness
Division VI. Education, Libraries, and Cultural Institutions.
Title 38. Educational Institutions. (Refs & Annos)
Subtitle IV. Public Education--Charter Schools.
Chapter 18. District of Columbia School Reform (Public Charter Schools).
Subchapter IV. Per Capita District of Columbia Public School and Public Charter School Funding.
§ 38-1804.02. Calculation of number of students.

(a) *Quarterly reporting requirement.* -- On June 30, October 15, December 15, and March 30 of each year the District of Columbia public schools and each eligible chartering authority shall submit a report to the Mayor containing the information described in subsection (b) of this section that is applicable to the schools under their respective authorities; provided, that in the case of the June 30 report, the information submitted by each eligible chartering authority shall be in the form of estimates of the number of students who will fall into each category on the following October 5.

(b) *Calculation of number of students.* -- Not later than 30 days after April 26, 1996, and not later than October 15 of each year thereafter, the State Education Office shall calculate the following:

(1) The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools;
(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1) of this subsection;
(3) The number of students, including nonresident students, enrolled in preschool and prekindergarten in the District of Columbia public schools and in public charter schools;
(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3) of this subsection;
(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools;
(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5) of this subsection;
(7) The number of students, including nonresident students, enrolled in nongrade level programs in District of Columbia public schools and in public charter schools; and
(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7) of this subsection.

(c) *Annual reports.* -- Not later than October 30 of each year the Mayor shall prepare and submit to the Authority (during a control year), the Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the calculations made pursuant

to subsection (b) of this subsection, including the 4 immediately prior reporting periods specified in subsection (a) of this section.

(d) *Audit of initial calculations.* --

(1) *In general.* -- The State Education Office shall arrange with the Authority to provide for the conduct of an independent audit of the initial calculations described in subsection (b) of this subsection.
(2) *Conduct of audit.* -- In conducting the audit, the independent auditor:
(A) Shall provide an opinion as to the accuracy of the information contained in the report described in subsection (c) of this subsection; and
(B) Shall identify any material weaknesses in the systems, procedures, or methodology used by the State Education Office:
(i) In determining the number of students, including nonresident students, enrolled in the District of Columbia public schools 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) In assessing and collecting fees and tuition from nonresident students.
(3) *Submission of audit.* -- Not later than 45 days, or as soon thereafter as is practicable, after the date on which the Authority receives the initial annual report from the State Education Office under subsection (c) of this subsection, the Authority shall submit to the State Education Office, the Mayor, the District of Columbia Council, and the appropriate congressional committees, the audit conducted under this subsection.
(4) *Cost of the audit.* -- The State Education Office shall reimburse the Authority for the cost of the independent audit, solely from amounts appropriated to the State Education Office for staff, stipends, and other-than-personal-services of the State Education Office by an act making appropriations for the District of Columbia.

CREDIT(S)

(Apr. 26, 1996, 110 Stat. 1321 [257], Pub. L. 104-134, § 2402; Oct. 21, 2000, D.C. Law 13-176, § 8(c), 47 DCR 6835; Apr. 13, 2005, D.C. Law 15-348, § 102(b), 52 DCR 1991.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2853.42.

Effect of Amendments

D.C. Law 13-176 provided for substitution of reference to state education office for board of education where appearing.

D.C. Law 15-348 rewrote subsecs. (a) and (c) which had read as follows:

"(1) *In general.* -- Not later than September 15, 1996, and not later than September 15 of each year thereafter, each District of Columbia public school and public charter school shall submit a report to the Mayor and the State Education Office containing the information described in subsection (b) of this section that is applicable to such school.

"(2) *Special rule.* -- Not later than April 1, 1997, and not later than April 1 of each year thereafter, each public charter school shall submit a report in the same form and manner as described in paragraph (1) of this subsection to ensure accurate payment under § 38-1804.03(a)(2)(B)(ii)."

"(c) *Annual reports.* -- Not later than 30 days after April 26, 1996, and not later than October 15 of each year thereafter, the State Education Office shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Consensus Commission, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b) of this subsection."

Temporary Amendments of Section

Section 3(b) of D.C. Laws 13-427 rewrote subsecs. (a) and (c); in subsec. (b) substituted "The reports described in subsection (a) of this section shall contain the following information:" for "Calculation of the number of students not later than 30 days after April 26, 1996, and not later than October 15, of each years thereafter, the Board shall calculate the following:"; and repealed subsec. (d). Subsecs (a) and (c), as amended, provide:

"(a) Quarterly reporting requirement.--On June 30, October 15, December 15, and March 30 of each year the District of Columbia public schools and each eligible chartering authority shall submit a report to the Mayor containing the information described in subsection (b) of this section that is applicable to their schools; provided, however, that in the case of the June 30 report the information submitted by each eligible chartering authority shall be in the form of estimates of the number of students who will fall into each category on the following October 5.".

"(c) Annual reports.--Not later than October 30 of each year the Mayor shall prepare and submit to the Authority, the Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the calculations made pursuant to subsection (b) of this subsection, including the four immediately prior reporting periods specified in subsection (a) of this section.".

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

Section 3(b)(1) of D.C. Law 14-38 amended subsec. (a) to read as follows:

"(a) *Quarterly reporting requirement.* --On June 30, October 15, December 15, and March 30 of each year the District of Columbia public schools and each eligible chartering authority shall submit a report to the Mayor containing the information described in subsection (b) of this section that is applicable to their schools; provided, however, that in the case of the June 30 report the information submitted by each eligible chartering authority shall be in the form of estimates of the number of students who will fall into each category on the following October 5.".

Section 3(b)(2) of D.C. Law 14-38 amended subsec. (b) by striking the phrase following "Calculation of the number of students not later than 30 days after April 26, 1996, and not later than October 15, of each years thereafter, the Board shall calculate the following:" and inserting the phrase "The reports described in subsection (a) of this section shall contain the following information:" in its place.

Section 3(b)(3) of D.C. Law 14-38 amended subsec. (c) to read as follows:

"(c) *Annual reports.* --Not later than October 30 of each year the Mayor shall prepare and submit to the Authority, the Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the calculations made pursuant to subsection (b) of this subsection, including the four immediately prior reporting periods specified in subsection (a) of this section.".

Section 3(b)(4) of D.C. Law 14-38 repealed subsec. (d).

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

Section 3(b) of D.C. Law 15-67 rewrote subsecs. (a) and (c); in subsec. (b), substituted "*Information required.* --The reports described in subsection (a) of this section shall contain the following information:" for "*Calculation of the number of students.* --Not later than 30 days after April 26, 1996, and not later than October 15, of each year thereafter, the State Education Office shall calculate the following:"; and repealed subsec. (d). Subsecs. (a) and (c) read as follows:

"(a) *Quarterly reporting requirement.* --On June 30, October 15, December 15, and March 30 of each year the District of Columbia public schools and each eligible chartering authority shall submit a report to the Mayor containing the information described in subsection (b) of this section that is applicable to their schools; provided, however, that in the case of the June 30 report, the information submitted by each eligible chartering authority shall be in the form of estimates of the number of students who will fall into each category on the following October 5."

"(c) *Annual reports.* --Not later than October 30 of each year the Mayor shall prepare and submit to the Authority (during a control year), the Council, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the calculations made pursuant to subsection (b) of this subsection, including the four immediately prior reporting periods specified in subsection (a) of this section."

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) provisions governing the hiring of an independent contractor to perform a census of enrolled students and employees in public schools, see § 402 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

For temporary (90 day) amendment of section, see § 3(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 § 3(b) 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 § 3(b) 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 § 3(b) 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 § 3(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 § 3(b) of Public School Enrollment Integrity Clarification Emergency Amendment Act of 2004 (D.C. Act 15-519, August 2, 2004, 51 DCR 8995).

Legislative History of Laws

For D.C. Law 13-176, see notes following § 38-302.

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.

DC CODE § **38-1804.02**

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