DISTRICT OF COLUMBIA PK-12 HEALTHY SCHOOLS

Survey of Policies, Regulations and Standards Related to School Facilities

November 2023

Made possible with a grant from the National Association of State Boards of Education, Healthy School Facilities Network; and support from the 21st Century School Fund

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PURPOSE OF THIS STUDY

In 2022, the National Association of State Boards of Education (NASBE) created a Healthy School Facilities Network (HSFN) to build and enhance the capacity of states to provide healthy school facilities. The DC State Board of Education, along with state boards from Georgia, Indiana, and Guam received a grant from NASBE to address school facility concerns. As a part of this effort, the DC State Board of Education is working to address the following problem statement:

There are no location, condition, design, utilization, operational or maintenance standards for public education buildings and grounds that apply to all the District of Columbia's nearly 250 publicly-funded schools and 70 LEAs serving pre-k through adult education.

This survey document provides policy makers and the public an overview of the policies, regulations, and standards that govern the District's PK-12 public education buildings and grounds. The survey document can be used to discover where there may be opportunities to improve our system for delivering basic quality, efficiency, and equity of facilities across LEAs with policy, regulatory, and standards reforms. Given the importance of education and the limited resources available to invest in facilities, there is urgency around these concerns.

Underlying this charge is a concern about the quality, efficiency, and equity of the District of Columbia's publicly funded school facilities:

School Facility Quality: Research has shown that well-designed and well-maintained schools are healthy environments that support both student wellness and appropriate educational functionality and therefore enhance student and staff outcomes. In the post-pandemic world, much has been learned about the need for adequate ventilation, building cleanliness and personal hygiene. Harder to measure but also important is the degree to which a school's facilities support its educational program. Whether a school's focus is on early childhood education, special education, or career and technical education, facility alignment with the educational program matters for teacher and student performance.

School Facility Efficiency: Efficient facilities involve optimal utilization of space for student enrollments and community use. Efficiency is also achieved from initial planning, design and construction of a school space, and from a life cycle of sound operations and maintenance. The public deserves good value for expenditures and investments on its public education infrastructure.

School Facility Equity: A fair distribution of public resources – land, buildings, and capital and operating expenditures – for supporting public education is a primary responsibility of government. It is difficult to break the cycle of historic and longstanding indifference to the conditions in some schools. It may, in some cases, require funding of capital and operating costs even in the face of enrollment declines, which themselves have been caused by the neglect and indifference to the viability and quality of the school.

As the District of Columbia works to improve these outcomes, the Healthy School Facilities Network Committee recognizes the support role of the D.C. State Board of Education in the development and maintenance of safe, healthy, educationally appropriate and equitable public school facilities. The following requirements for effective facilities management can provide a framework for continued cross-agency collaboration.

HEALTHY SCHOOL FACILITIES NETWORK COMMITTEE

The original committee members are listed in <u>SR22-18</u>, <u>To Approve the National Association of State Boards of Education (NASBE) Healthy Schools Facility Network (HSFN) Team Work Plan</u>. As of the publication date of this report, the committee membership has slightly changed. The current members are listed below.

Eboni-Rose Thompson, President and Ward 7 Representative, D.C. State Board of Education

Dr. Frazier O'Leary, Vice President and Ward 4 Representative, D.C. State Board of Education

Ken Cherry, Chief of Staff, Friendship Public Charter School

Jennifer Comey, Director of Planning, Data and Analysis, Office of the Deputy Mayor for Education

Mary Filardo, Executive Director, 21st Century School Fund

LeKisha Jordan, Legislative Policy Advisor, Office of Chairman Phil Mendelson, Council of the District of Columbia

Rory Lawless, Data Analyst, Office of the Deputy Mayor for Education

Luisa Millan, Community Schools Coordinator, Mary's Center

Chandler Mumolie, District of Columbia Public Schools

James Waller, Chief of Schools, Friendship Public Charter School

FRAMEWORK FOR EFFECTIVE STATE AND LOCAL FACILITIES MANAGEMENT

- Governance: Effective governance calls for clearly defined roles and responsibilities across agencies and between state and local levels on all types of facility related decisions, from plans to procurement. Governance structures should support clearly stated goals for facilities. Explicit and coordinated regulations and policies can create a map for sound decision-making. Public engagement and transparency are essential for effective governance.
- Facilities Data: A foundation of good information supports sound and equitable decisions and allows for transparency and public understanding of priorities, resource allocations and other choices. Good information is detailed enough without being overly burdensome to collect, with consistency on key elements across LEAs to support an understanding and assessment of equity.
- Educational Facilities Planning: Regular facilities planning provides a means to analyze data in a meaningful way, taking into account projected facilities dynamics over time. An effective facilities planning process is essential to creating and maintaining safe and effective learning

environments worthy of our students. The most effective planning is layered, starting with metrics and narratives for educational adequacy, enrollment projections, utilization analyses, attendance policies, and other factors.

- **Professional Management:** The complexity of the built environment and its impact on occupant health, well-being, and performance require that facility workers and managers have regular and professional training, technical assistance, supervision, leadership, and oversight. While facilities management is typically an LEA (rather than SEA) function, the SEA can provide monitoring and technical support.
- Funding: Sufficient, stable, and equitable funding for both capital improvements and ongoing maintenance and operations is essential.
- Transparency and Accountability: Systems for setting and updating standards, monitoring facilities practice, and holding LEAs accountable for their practices related to facilities governance, data, planning, management, and funding is an important part of an effective facilities management program.

METHODOLOGY

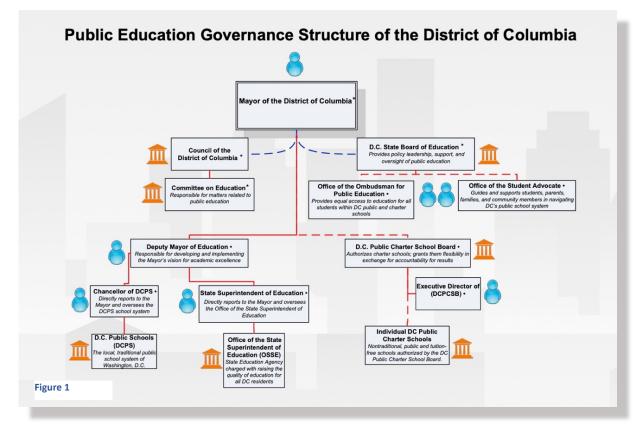
This report is authored by a specialized architect and policy analyst, with support and guidance from the 21st Century School Fund and the central office of the State Board of Education. Initial findings and draft recommendations were shared with the Healthy School Facilities Network Committee along with draft final reports for committee review. This report is meant to be a first step toward consideration of a system for facilities that ensures facility quality, resource efficiency and equity.

Key terms were researched within the DC Council's Legislative Management System (LIMS) and in the DC Code. The research identified existing standards that focus on public PK-12 schools, although findings may generally apply more widely. Published policies of relevant government agencies were also reviewed in addition to federal law and DC code. The Office of the Deputy Mayor provided a previous study, which provided an additional measure of quality control.

After identifying the existing salient codes and references, an analysis was conducted on the applicability to each subset of schools: District of Columbia Public Schools (DCPS), charter schools in publicly-owned facilities, and charter schools in non-publicly-owned facilities. The author examined what the relevant codes say, and, where readily observable, looked at the actual practice around the implementation of the policy. After sharing our initial findings, we identified gaps in policy and opportunities to improve minimum standards, guidelines, and support for best practices. We reviewed findings and recommendations with the HSFN team and incorporated new findings into this final draft.

An optimal further step would have been to contact each of the city's LEAs to request any policies and otherwise adopted standards around facilities planning, design, construction and management. This outreach was beyond the scope of this effort, given the limited timeframe and assigned resources, but it could be an additional step taken by stakeholders to further advance this work.

CONTEXT



GOVERNANCE

The District's Public Education Sector Under the District's system of mayoral

Under the District's system of mayoral control of education, the DC State Board of Education (SBOE) has a role that includes "approving state-level regulations, advising the State Superintendent of Education (OSSE) on educational matters, and more." The SBOE accomplishes its mission in coordination with other agencies. The District's educational organization chart (Figure 1) provides an overview of the lines of oversight and accountability for the Local Educational Agencies (LEAs).

PUBLIC SCHOOL FACILITIES INVENTORY AND EXPENDITURES

The District of Columbia supports a complex system of publicly funded early childhood, elementary, secondary, and adult education schools. The District of Columbia's 248 publicly

funded early childhood, elementary, secondary, and adult education schools are operated through 70 different local school districts—referred to as "local education agencies" or LEAs. The DC Public Schools (DCPS) LEA is the largest and is under the operational control of the mayor. It enrolled 50,131 students in SY22-23 in 116 D.C. public schools. In addition to DCPS, there were 69 charter school districts (each serving as its own LEA) for the 2022-23 school year enrolling 46,392 students and governed by 69 non-profit boards of directors. Collectively, these charter boards govern and operate 133 charter schools. A major responsibility for public education in the District of Columbia is providing buildings and grounds that house students and staff in

¹ SBOE flier: "Overview of the D.C. Public Education Landscape" For more, see: sboe.dc.gov/page/roles

its publicly funded DCPS and charter schools. In total, the District of Columbia funds 251 elementary, secondary, and adult education public schools in 225 facilities for 96,523 students.²

This study was not charged with an analysis of facilities expenditures, but the following provides some facilities-related fiscal context to help understand the scale and scope of public education infrastructure. DCPS and charter LEAs reported the following expenditure data to the National Center for Education Statistics and U.S. Census of Governments through the annual fiscal survey of governments.³ Appendix B contains the details of these expenditures by charter LEAs.

D.C. Local Education Agencies	2020-21 Enrollment	M&O of Facilities	Interest on long term debt	School construction capital outlay	Long term debt at end of FY21	FY2021 total education expenditures (excludes capital outlay & interest)	M&O as % of education expenditures
Total	89,856	\$206,914,000	\$31,531,000	\$487,188,000	\$943,924,000	\$2,194,290,000	9.4%
District of Columbia Public Schools	49,896	\$89,878,000	(in DC budget)	\$352,899,000	(in DC budget)	\$1,224,204,000	7.3%
59 Charter LEAs (excludes adult LEAs)	39,960	\$117,036,000	\$31,531,000	\$134,289,000	\$943,924,000	\$970,086,000	12.1%

Figure 2: Fiscal Year 2021 Local Education Agency Reports to U.S. Census of Governments Fiscal Survey F-33 of Facility Expenditures

EDUCATIONAL FACILITIES PLANNING

Background:

In the decades leading up to the 1990s, the District of Columbia had experienced major population, community, and housing shifts, and a steep drop in population from a post-WWII high. During this period of change, little was done to modernize or upgrade the public schools. Both capital and operating funding for DCPS were constrained, so facility conditions deteriorated. Cleaning, groundskeeping, and basic maintenance were neglected. In 1993, the District of Columbia Public Schools reached a crisis point. The immediate result was the closing of 9 DCPS schools. By this time, there had not been an educational facilities master plan in almost 30 years. The Mayor was being sued over fire code violations, and all 169 DC public school facilities were in

² District summary of OSSE audited enrollments SY2022-23.

³ https://nces.ed.gov/edfin/finance_data.asp file sdf21_1a.

deplorable condition. Buildings did not meet code. Drinking fountains were turned off in schools due to high levels of lead in the water; lead paint and asbestos were problems; buildings were both too cold and too hot; windows were often sealed shut with clouded plastic instead of glass; bathrooms were often not functional; and kitchens and cafeterias did not exist in many schools.

Community advocacy before, during and following the 1993 school closing process resulted in resolutions from the DC Board of Education and the City Council to undertake a long-range educational facilities master plan. Over the course of 1994 and 1995, a DCPS Superintendent's Task Force on Education Infrastructure for the 21st Century developed the <u>Preliminary Facilities Master Plan 2005 for the District of Columbia Public Schools</u>, which was completed August 14, 1995. The Senate District Committee required that DCPS prepare another educational facilities master plan in 1997. Then, in 2000, DCPS finally undertook a comprehensive master plan process, which engaged community members and school staff from across the District. These three planning processes built a groundswell of support for a program of school modernizations based on explicit standards for a modern inventory of public school facilities. Subsequently, DCPS completed educational facility master plans in 2003 and 2006.

The Current Master Planning era:

The Public Education Reform Act of 2007 (PERA) moved responsibility for educational facility master planning, along with overall responsibility for public education, to a system of mayoral control. Master planning took place initially through Office of Public Education Facilities Modernization and then through the Deputy Mayor for Education. Under this system, educational facility master plans were produced in 2007, 2010, and 2013, 2015, and 2018.

The 2023 Master Facility Plan (MFP) is currently being drafted. The MFP is a process that collects and analyzes data, reports out findings and makes recommendations around school facilities within DCPS and across LEAs. According to the DME, the current process will result in a 5- to 10-year plan that addresses the following three goals, while affirmatively advancing equity and excellence in public schools in Washington, DC:

- Ensure school facilities are efficiently utilized.
- Ensure every student is enrolled in a modern state of the art facility.
- Ensure every student's daily experience is in a well-maintained facility.

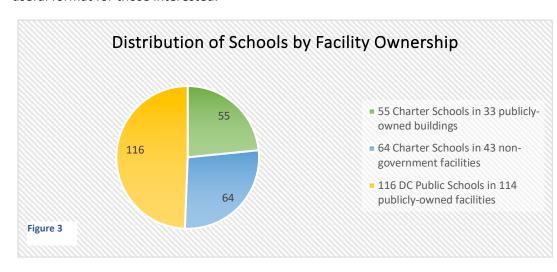
A note:

As noted above, at the time of the drafting of this report, the Master Facilities Plan is being written. We have reviewed publicly available information as well as previously published master plans. Because our understanding of the current effort is based on this ongoing (and therefore incomplete) planning process, some related comments are tentative and should be reevaluated once the MFP is complete. Within that constraint, it seems likely that the level, type, and transparency of information included in the Master Facility Plan materials varies significantly by LEA. We can see from the draft information that DCPS, in partnership with the DC Department of General Services (DGS), provides a substantially more complete picture of its school facilities than the charter schools do. In the previous MFP, the charter LEAs provided very limited information on facilities conditions.

⁴ https://www.21csf.org/uploads/pub/251_DCPublicSchoolsPreliminaryMP1995_2005.pdf

FINDINGS

Our findings are presented in two formats: a narrative discussion of general and significant findings, and a matrix listing details about specific regulations and policies. As a reminder, the table is a compilation of publicly available information. This is a limitation. For example, we did not query each of the LEAs to ascertain whether they have policies regulating their design or maintenance of schools. We hope the matrix can be expanded if it proves to be a useful format for those interested.



Regulations occur in three layers: federal, state, and LEA. Within the LEA framework, there are three conditions under which schools are included or excluded by individual statutes: There are schools that are part of the DCPS system, located in publicly-owned facilities; there are charter schools that are housed in publicly-owned facilities; and there are charter schools that are in privately-owned facilities.

Before laying out the different regulatory frameworks, it is important to note the commonalities. There are basic standards that apply to all public schools. These include key federal regulations, District of Columbia zoning regulations and building codes, and a limited number of regulations. Key regulations are described below.

FEDERAL STANDARDS

There are some federal standards that apply to all schools. Although in general, the federal government does not regulate school facilities in the United States, there are some key exceptions. Important Federal regulations that do impact school design and/or school facility management include:

- The Asbestos Hazard Emergency Response Act (AHERA). AHERA requires regular inspection and monitoring of facilities built before 1989 that incorporate asbestos-containing materials.
- The Americans with Disabilities Act (ADA). The ADA and its technical accessibility guidelines (referred to as ADAAG) quantify and qualify measures to ensure that facilities are accessible to persons with disabilities. ADAAG includes guidelines for facilities for children's use.

DC ZONING AND BUILDING CODES

As a prelude to the reporting and analysis of school-specific policies and standards, it is important to note basic DC regulations that apply to most buildings. Public school building projects must conform to DC Zoning and Building Codes. Zoning and building codes are the minimum design and construction requirements to ensure safe and resilient structures. They apply to all construction projects. Changes to a building or changes in ownership, use, or occupancy trigger the requirement for a certificate of occupancy. These processes in turn initiate the application of zoning and building regulations.

Construction projects must go through zoning and building permit approvals. Building codes are laws that set minimum requirements for how structural systems, plumbing, heating, ventilation and air conditioning (HVAC), natural gas systems and other aspects of buildings should be designed and constructed. Within the building code, there are requirements specifically written for educational occupancies. These provisions apply to all schools in the District when triggered by either (a) a construction project or (b) a change in use or occupancy. Older facilities are typically "grandfathered in" as exceptions to some (but not all) provisions, based on the code in force at the time they received their most recent certificate of occupancy. As noted above, this "grandfathered" status goes away when a new project takes place or when the occupancy changes. Building codes are typically written by experts, and adopted with amendments by the government.

Accountability for compliance with local zoning and building regulations:

DC government has in place several measures to monitor and enforce compliance with these regulations. A key component of the enforcement function is the certificate of occupancy (C of O). According to the DC Government, the purpose of a C of O is to "ensure that the use of a building, structure or land in the District of Columbia conforms to the Zoning Regulations (DCMR Title 11), provisions of the DC Construction Codes, and the Green Building Act." Every public school building in the District of Columbia is expected to have a certificate of occupancy. Other aspects of accountability include fire and safety inspections. Aspects specific to schools are covered below.

This regulatory environment, though not directed solely at educational facilities, forms a foundation – a set of *minimum general* standards - to ensure that schools operating in the city meet a basic set of general building expectations for public health, safety and welfare.

GREEN BUILDING REGULATIONS

There are Green Building requirements that apply to all new or substantially renovated buildings in the District. According to the District's web page:

The District adopted the 2012 International Green Construction Code (IGCC) and the 2012 International Energy Conservation Code (IECC) as amended by the 2013 DC Construction Codes Supplement (12 DCMR) in March 2014.... These codes reflect the most modern, sustainable, energy-and water-efficient building practices, and extend the green building practices legislated by the District of Columbia Green Building Act of 2006

(the Green Building Act, or GBA). The adoption of these codes will greatly expand the work already being done under the Green Building Act and the Sustainable DC Plan.

The Green Building Act and subsequent Greener Government Buildings Amendment Act applies to all public facilities and requires compliance with the US Green Building Council's Leadership in Energy and Environmental Design (LEED) program. This third party certification requires adherence to minimum standards and offers enhanced benchmarks that support student health and well-being. The applicable standard is called LEED v4 for BD+C: Schools. Within this standard are key provisions that enhance the health and wellbeing of students and staff. These include, but are not limited to, indoor air quality, minimum acoustical performance, interior lighting and daylight. A link to the current LEED project checklist is included in References. See the Findings Matrix below for details and nuances on applicability to each sector.

Health and Safety Plans

The Office of the State Superintendent (OSSE) has required health and safety plans for all LEAs and for private schools, specifically related, but not limited to, pandemic response. Requirements include facility-related provisions such as distancing and handwashing. Ventilation and filtration of air are critically important provisions of the guidance given to schools, with significant health and wellness benefits beyond disease control. When implemented according to best practices, these features have capital and operational cost implications. Guidance is based on Federal Centers for Disease Control (CDC) recommendations. It is unclear whether (or in what form) these requirements will continue in the post-pandemic phase.

INCONSISTENCIES IN FACILITIES INFORMATION

Facilities information is not readily accessible from the charter sector. The Office of the Deputy Mayor for Education collects and reports extensively on education data (see EdScape at https://edscape.dc.gov). For charter schools, the facilities portion of this data is collected through the DC Public School Charter Board (PCSB). Most of the publicly available data appears to be limited to capacity, utilization, and enrollment projections. To an extent, this may partially fulfil the data collection charge outlined in 38-2803.(b)(1). The limitation is significant, however. There is no publicly available information around either qualitative and quantitative factors that go to the heart of the underlying quality and equity of the educational infrastructure across the district.

A larger gap relates to the relationships of schools within communities and across the District. At the time of this report, a separate committee is studying school attendance boundaries and feeder patterns. The integration of those findings with the continuing master planning process would be beneficial for building a stronger network of schools and for improving utilization and resource allocation.

Individual LEAs may have further policies and standards relating to facilities, and studies on conditions and future plans that are not reflected in this study. However, without being able to contact each LEA (which was not within our scope for the study), our analysis of parity is limited.

INEQUITIES IN DESIGN, CONDITION, UTILIZATION, AND MAINTENANCE

Although the District of Columbia has invested significantly in modernizing and replacing its obsolete and deteriorated education infrastructure, there is still inequity in facility quality within and across LEAs. In addition to variances in operations and maintenance, availability and costs for funding for capital improvements also varies by LEA and, for charter LEAs, by the era in which they acquired their facilities.

Focus Area: Education Adequacy

Educational Adequacy (EA) measures how the architecture and layout of a facility supports 21st century learning.

The evaluation looks at:

- Building presence
- · Safety and security
- · Community spaces and access
- · Assembly spaces
- Instructional spaces
- Staff spaces
- Building organization
- Extended learning opportunities

Example of educational adequacy rating by school



Perkins Eastman conducted EA evaluations for all DCPS schools.

Analysis to come!



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Figure 4 Screen Shot from Ongoing Master Facility Plan Presentation Showing Detailed Educational Adequacy Metric. This data will apply to DCPS facilities only.

LIMITED DISTRICT-WIDE STANDARDS

Beyond federal regulations and local zoning and building code requirements outlined above, there is limited policy or regulation that applies to all District of Columbia LEAs regarding school facilities. The Findings Matrix below includes major legislation and sections of DC code that apply to school facilities, highlighting which are city-wide and which apply only to one or two segments of the District's schools.

In some cases, there is a lack of clarity about how the law applies to the three sectors. In certain code sections, the phrase "Public schools" or even "public schools" means DC Public Schools. In other locations, the term "public schools" means both traditional DCPS and public charter schools. The common reading of the words "public schools" should be a fair designation including all publicly funded schools in DC. The ambiguity tends to occur in older laws from the early era of mayoral control.

There are key safety inspections that occur annually at all public schools. There are, however, some laws that pertain to basic safety, such as those pertaining to inspection of play surfaces, that exclude charter schools.

The DC Code §38-2803.(b)(1) Multiyear Facilities Master Plan calls for the establishment of "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." The charge for this office includes a "facilities condition assessment of each facility under the control of DCPS and each public charter campus," as well as further analysis, including a needs assessment, current and projected utilization, projected facility needs, and other detailed data. At the time of this report, it seems unlikely that the information on charter schools will be sufficient to fully carry out a full synthesis of educational facility needs across the district.

Although there is clear evidence of cross-sector collaboration in key areas, the de facto structures of education oversight and school facility management are not well-designed to foster collaboration or consistency. To some extent this is an intentional outcome of the bifurcated system of traditional public schools and charter schools.

Public schools have a well-developed facilities management infrastructure, including the Department of General Services, to plan, manage, fund, maintain, and report on school facilities, bringing with it transparency and, it may be argued, economies of scale. The charter schools are allowed greater freedom to innovate and to vary from standardized approaches in exchange for a revocable charter. They receive guidance from the greater charter network and from the Public Charter School Board, as well as from the cross-sector education governance bodies. They can also avail themselves of published documentation prepared for DCPS projects, such as educational specifications. There is also wide literature about school facility planning, design and management. One outcome of this approach is a wider variation in the kind and quality of facilities that house educational programs.

MATRIX OF FINDINGS

Law/ Regulation/ Policy	Source Type	Reference/ location	Applies to DCPS	Applies to DC- owned Charter School Facilities	Applies to Privately-owned Charter facilities	Comments
Asbestos Hazard Emergency Response Act (AHERA) 15 USC §2643 (i)(1)	Federal Law	https://www.govinfo.gov/co ntent/pkg/USCODE-2009- title15/html/USCODE-2009- title15-chap53- subchapII.htm	V	V	$\sqrt{}$	Mandates inspection of schools for asbestos- containing material; requires preparation of asbestos management plans.

Law/ Regulation/ Policy	Source Type	Reference/ location	Applies to DCPS	Applies to DC- owned Charter School Facilities	Applies to Privately-owned Charter facilities	Comments
American with Disabilities Act	Federal Law	https://www.access- board.gov/ada/	V	V	V	Includes guidelines for facilities designed for children's use. Provisions are incorporated into building codes.
Operational Guidance for K-12 Schools and Early Care and Education Programs to Support Safe In-Person Learning	Federal guidance referenced by OSSE and DC Health Dept	https://www.cdc.gov/coron avirus/2019- ncov/community/schools- childcare/k-12-childcare- guidance.html	V	V	V	CDC Guidance includes facility related actions, primarily related to ventilation and air filtration, but also to hygiene. https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/COVID- 19_DC_Health_Guidance_for_Schools_and_Child care_Facilities_9.26.23.pdf
Certificate of Occupancy	DC Law	DCMR Title 11	1	1	V	Ensures that the use of a building, structure or land in the District of Columbia conforms to the Zoning Regulations (DCMR Title 11) provisions of the DC Construction Codes, and the Green Building Act. Per PSCB reference below, charter schools are required to submit their C of O to the PCSB annually.
DC Construction Codes	DC Law	Title 12 DCMR https://dob.dc.gov/page/dc- construction-codes	V	√	V	
Liquor license restrictions based on proximity to schools	DC Law	25-314 Additional considerations for new license application or transfer of license to a new location https://code.dccouncil.gov/us/dc/council/code/sections/25-314	V	1	1	This law is triggered by liquor license applications, not by proposals to place new schools in locations that happen to be in proximity to existing establishments that serve or sell liquor. New school locations are typically charter schools, not DCPS schools; therefore there may be public charter schools located in proximity to establishments with liquor licenses.

Law/ Regulation/ Policy	Source Type	Reference/ location	Applies to DCPS	Applies to DC- owned Charter School Facilities	Applies to Privately-owned Charter facilities	Comments
Planning Actively for Comprehensive Education Facilities Amendment Act of 2016 (PACE)	DC Law	Multiyear Facilities Master Plan https://code.dccouncil.gov/ us/dc/council/code/sections /38-2803	V	V	V	This part of the DC Code includes many provisions of the PACE Act. Refers to all 3 categories of school facilities but has differing requirements for DCPS and public charter schools. The reporting for charter schools was very limited in the previous MFP.
Healthy Schools Act of 2010 & Amendment of 2019	DC Law	38-821.01 et seq	V	V		Applies to all public and "participating private" schools
Green Building Requirements	DC Law	6–1451.02	1	V	?	Applies to publicly owned, leased, and financed buildings and projects. It is not clear whether it applies to charters in privately owned facilities.
Greener Government Buildings Amendment Act of 2022	DC Law	https://code.dccouncil.gov/us/dc/council/laws/24-306	V	V	?	"applies to buildings owned or financed by the District "a)(1) This subsection shall apply to all new construction and substantial improvement of: (A) Projects that are District-owned or District instrumentality-owned; and (B) Projects where at least 15% of the total cost is District-financed or District instrumentality-financed." This law requires LEED silver or gold level certification as well as energy star, net zero, and monitoring and accountability.
Safe Fields and Playgrounds Act of 2018	DC Law	B22-0946-	V	?	excluded	Applies to publicly owned recreational spaces, specifically including DCPS
Public Facilities Environmental Safety Amendment Act of 2020	DC Law	B23-0665-	V	V	excluded	Applies to District-owned facilities only. Applies to playground surface materials
Government Space Maintenance and Repair Transparency Dashboard	DC Law	§ 10–551.07e	1	excluded	excluded	Specifically includes "District of Columbia Public School campus facility work orders" and "Department of Parks and Recreation facility maintenance work orders." Website was checked. No charters noted, except Taft building under DPR.

Law/ Regulation/ Policy	Source Type	Reference/ location	Applies to DCPS	Applies to DC- owned Charter School Facilities	Applies to Privately-owned Charter facilities	Comments
Work Order Integrity Amendment Act of 2023	In process	https://lims.dccouncil.gov/Legislation/B25-0218	√	excluded	excluded	Requires school-based personnel to sign off on completed work orders
DC Healthy Public Buildings Assessment Act of 2016	DC Law	https://code.dccouncil.gov/ us/dc/council/laws/21- 237#:~:text=Law%2021%2D 237%2C%20the%20",6%2C %202016%2C%20and%20De c.	V	V	excluded	Applies as follows: "" Public building" means any building owned by the District of Columbia where people regularly occupy the building, including assembly spaces, places of employment and education, child and adult care facilities, health care centers foster care facilities, and homeless shelters. Tests for hazardous materials, indoor air quality, etc.
D.C. Act 24-55. Back-to-School Safely Emergency Act of 2022	DC Law	https://code.dccouncil.gov/us/dc/council/acts/24-544	√ Title I and Title II	Title II only; excluded except immuniz ations	Title II only; excluded except immuniz ations	"To require, on an emergency basis, all District of Columbia Public School system schools to report on the readiness of their facilities for in-person learning at the start of school year 2022-23, including the condition of their air conditioning units and the status of their air filters, air quality monitors, safety systems, including whether all interior and exterior doors lock securely, fire alarm systems, and security surveillance systems; and to require the Department of Health to report on public and public charter school school-level compliance with required routine pediatric immunizations as well as outreach efforts to improve compliance."
DC Fire safety inspections	DC Law	Penalties described under DC Law 6-42.	√	√	√	Office of the Fire Marshall undertakes "inspections of DC Public Schools.' Includes Fire Alarm Inspection Report (Annual), Quarterly Sprinkler System Inspection Report, and Control Valve and Sprinkler Report

Law/ Regulation/ Policy	Source Type	Reference/ location	Applies to DCPS	Applies to DC- owned Charter School Facilities	Applies to Privately-owned Charter facilities	Comments
Healthy Schools Act 2010 501a and Childhood Lead Exposure Prevention Amendment Act 2017	DC Law	https://code.dccouncil.gov/ us/dc/council/code/sections /38-825.01a https://lims.dccouncil.gov/d ownloads/LIMS/37185/Sign ed_Act/B22-0029- SignedAct.pdf	V	V	V	Drinking water filtration, annual testing, actionable level of lead 5 ppb. DCPS: https://dgs.dc.gov/page/water-sampling-results-dc-public-schools PCSB: https://dcpcsb.egnyte.com/fl/EZG19osNr4 MFP Supplement provides compiled DCPS school-level reports, see Appendix C (https://dme.dc.gov/node/1573491).
DCPS School Modernization Manual	Guide	https://drive.google.com/fil e/d/14pn7ylznTg0Ur7wrLz2 7B1jq5qd12N4I/view	V	excluded	excluded	This is a how-to manual for modernizations. It references standard educational specifications (dated 2017), but we were unable to find a link. Site-specific ed specs were findable, however.
DC PCSB Charter School Safety and Security Recommendations and Info (2019)	Guide	https://dcpcsb.egnyte.com/ dl/KTAhwjHJF4/	excluded	V	V	Includes facility security recommendations; emergency response planning and recommendations; building life safety (water testing, carbon MO detectors, asbestos, C of O, ADA compliance); wide-ranging resource including Safe Routes to Schools, checklists, etc.
Health Suite Criteria, DC Department of Health	DOH policy	https://doh.dc.gov/sites/def ault/files/dc/sites/doh/FAQs %20for%20DC%20School%2 0Health%20Nursing%20Prog ram%202016.pdf	1	٨	٨	Criteria for an approved health suite are provided at the link to the left.
DC Building Codes (DCMR) Title 12, Sections A through M	DC Law	https://dob.dc.gov/page/dc- construction-codes	V	V	1	Regulations governing design and construction of schools and other buildings
Prevention of Lead in Drinking Water in Schools	DC Law	38-825.01a; https://code.dccouncil.gov/	1	V	V	Requires annual testing at all schools

Law/ Regulation/ Policy	Source Type	Reference/ location	Applies to DCPS	Applies to DC- owned Charter School Facilities	Applies to Privately-owned Charter facilities	Comments
		us/dc/council/code/sections /38-825.01a				
Climate Commitment Amendment Act	DC Law	https://code.dccouncil.gov/ us/dc/council/laws/24-176		V	excluded	Targets to reduce greenhouse gas emissions, net neutrality goal by 2045.
Clean Energy Omnibus Amendment Act	DC Law	https://code.dccouncil.gov/ us/dc/council/laws/22-257				100% renewable energy by 2032, building performance standards
Emergency Response Plans (LEAs)		Administrative plan				The District of Columbia Homeland Security and Emergency Management Agency and interagency partners have implemented a new system to collect, store, and manage local education agency Emergency Response Plans called CORE DC, the city's incident management platform. Emergency Response Plans establish the framework for creating, reviewing, or updating the emergency and crisis response plans for participating school buildings in the District of Columbia. The District of Columbia Public Schools has transitioned from the Emergency Safety Alliance database to CORE DC for the FY2022-2023 school year. Public Charter Schools will transition to CORE DC for the FY2023-2024 school year. The system will be available for all other local education agencies operating in the District of Columbia.

RECOMMENDATIONS

The following recommendations are presented by the author and reviewed by the HSN Committee. They are consistent with the March 2023 <u>D.C.</u> <u>Governance Recommendations and Considerations of the District of Columbia State Board of Education.</u> Each recommendation is tagged with the elements of the **Framework for Effective State and Local Facilities Management** delineated in the Purpose section of this document, above.

#1: CREATE A FRAMEWORK FOR SHARING INFORMATION

Even where policies exist that would support cross-collection of data, a central collection hub seems to be missing. There are few common tools to create a clear picture of existing conditions and future facility needs. This makes meaningful discernment or comparison of inequities across LEAs difficult. We recommend the creation of a framework for sharing school facility information, to include:

- an on-line guide to public school facilities regulations and standards. This basic reference would contain information similar to the Findings matrix provided in this document, with live links to source materials. It could also include a glossary of facility-related terms. This on-line resource would have to be reviewed annually and updated when new laws/policies are passed.
- an annual meeting of LEA facility representatives to share information, review the regulatory environment, and enhance a common understanding of quality learning environments; and
- a clearinghouse of available State, LEA, and third-party facility best practices.
- Aligns with: Governance and Transparency, Adequate Facilities Data, Transparency and Accountability

#2: IMPROVE CONSISTENCY OF DATA ACROSS LEAS

Develop more consistent reporting requirements for existing conditions at all public schools. This recommendation would benefit from a clearer understanding of the current Master Facilities Plan findings acquired through the PCSB data collection process. A clear picture of charter school planning data is not available at the time of this writing.

Aligns with: Educational Facilities Planning, Adequate Facilities Data, Transparency and Accountability

#3: ADOPT MINIMUM STANDARDS

Consider adoption of minimum standards related to health, safety, equity, and educational adequacy. These would apply to all LEAs.

- The minimum standards would include existing standards as well as new elements.
- Where appropriate, standards that now apply to one sector might be expanded to include other sector(s)
 - i. For example, the play surface safety regulations that apply to DPR and DCPS could be expanded to include charter schools.

- New standards would be minimal rather than optimal. This qualification is important as it preserves the flexibility of LEAS to manage space and resources in accordance with their mission, existing conditions, budget, and other constraints/opportunities. Standards would be directly related to health, safety, or educational adequacy.
- Aligns with: Governance & Educational Facilities Planning and Solid Facilities Management

#4: PROVIDE TECHNICAL SUPPORT TO LEAS

Consider provision of State-level technical support for LEAs in developing new schools or major renovations. This support function could be housed within DGS or the Deputy Mayor for Education. A firm recommendation of where or how to staff is outside the scope of this report.

The aim would be to help all LEAs (including DCPS) to navigate such issues as planning, design, or ADA compliance. The role of this office would be, at minimum, to help interpret state regulations to enhance LEA compliance; more expansively, this office could provide support to enhance equity across LEAs and across the District's geography.

Aligns with: Governance, Educational Facilities Planning and Facilities Management

#5: CREATE GUIDE DOCUMENTS

Consider creating guide documents to support best design and facilities management practices. Guide documents would go beyond the required/regulated minimums and would therefore be advisory. These could include "how to" type guidance as well as models for best practices. Examples could include:

- How to assess your school facility for educational adequacy
- Managing the physical school environment for safety and security, using CEPTED and other strategies
- How to develop an educational specification for your LEA or for your school project
- How Green Design features can enhance learning
- Aligns with: Facilities Management and Sound Educational Facilities Planning

#6: STRENGTHEN STATE LEVEL PLANNING EFFECTIVENESS

Evaluate the current implementation of the governance structure for school facilities reporting and oversight and consider improvements.

The governance structures, as noted above, are somewhat fragmented. We found that the DC Code §38-2803.(b)(1) Multiyear Facilities Master Plan calls for the establishment of "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." There is an office within the DME that oversees the MFP, but it also handles many non-facilities-related strategic planning issues as well as the MFP. While the planning efforts as related to DCPS are robust, the charter school planning components appear to be weaker. The MFP, which could serve to resolve issues at a city-wide scale, is not fully able to serve as the city-wide education plan envisioned in the law. A more narrowly focused planning office

that can link utilization, physical condition, educational adequacy, and attendance patterns across the city, across grade structures, communities and LEAs could help to streamline and improve planning. This could become a meaningful structure within which to challenge the persisting issues of quality and equity.

We recommend this topic for further discussion among stakeholders.

• Aligns with: Effective Governance, Educational Facility Planning and Transparency and Accountability

APPENDIX A: FY2021 FACILITIES EXPENDITURES D.C. ELEMENTARY AND SECONDARY PUBLIC SCHOOL LOCAL EDUCATION AGENCIES

D.C. Local Education Agencies (excludes adult education charter LEAs)	2020-21 Enrollment	M&O of Facilities	Interest on long term debt	School construction capital outlay	Long term debt at end of FY21	FY2021 total education expenditures (excludes capital outlay & interest)	M&O as % of education expenditures
District of Columbia Total FY21	89,856	\$206,914,000	\$31,531,000	\$ 487,188,000	\$943,924,000	\$2,194,290,000	9.4%
Achievement Preparatory Academy PCS	263	\$606,000	\$1,519,000	\$23,000	\$31,544,000	\$7,648,000	7.9%
AppleTree Early Learning PCS	492	\$1,657,000	\$76,000	\$57,000	\$5,523,000	\$13,683,000	12.1%
BASIS DC PCS	664	\$344,000	\$0	\$0	\$0	\$10,240,000	3.4%
Breakthrough Montessori PCS	273	\$1,006,000	\$257,000	\$481,000	\$5,230,000	\$6,244,000	16.1%
Bridges PCS	403	\$1,468,000	\$0	\$0	\$0	\$12,480,000	11.8%
Briya PCS	66	\$188,000	\$75,000	\$0	\$1,457,000	\$4,233,000	4.4%
Capital City PCS	1018	\$742,000	\$448,000	\$0	\$14,312,000	\$24,663,000	3.0%
Capital Village PCS	52	\$785,000	\$0	\$17,000	\$0	\$2,705,000	29.0%
Cedar Tree Academy PCS	428	\$717,000	\$58,000	\$0	\$3,685,000	\$9,017,000	8.0%
Center City PCS	1452	\$4,523,000	\$0	\$850,000	\$0	\$35,666,000	12.7%
Cesar Chavez PCS for Public Policy	390	\$617,000	\$547,000	\$5,000	\$10,283,000	\$10,540,000	5.9%
Creative Minds International PCS	548	\$2,028,000	\$36,000	\$30,396,000	\$36,738,000	\$14,015,000	14.5%
DC Bilingual PCS	478	\$906,000	\$587,000	\$5,581,000	\$18,397,000	\$11,438,000	7.9%
DC Prep PCS	2168	\$3,107,000	\$2,418,000	\$1,093,000	\$62,690,000	\$43,445,000	7.2%
DC Scholars PCS	608	\$753,000	\$370,000	\$82,000	\$8,360,000	\$11,513,000	6.5%
Digital Pioneers Academy PCS	340	\$1,599,000	\$17,000	\$663,000	\$1,668,000	\$9,769,000	16.4%

D.C. Local Education Agencies (excludes adult education charter LEAs)	2020-21 Enrollment	M&O of Facilities	Interest on long term debt	School construction capital outlay	Long term debt at end of FY21	FY2021 total education expenditures (excludes capital outlay & interest)	M&O as % of education expenditures
District of Columbia International School District of	1452	\$2,356,000	\$2,274,000	\$34,000	\$57,815,000	\$29,961,000	7.9%
Columbia Public Schools	49,896	\$89,878,000	\$0	\$352,899,000	\$0	\$1,224,204,000	7.3%
E.L. Haynes PCS	1199	\$1,762,000	\$1,157,000	\$253,000	\$30,974,000	\$29,711,000	5.9%
Eagle Academy PCS	706	\$2,340,000	\$0	\$1,603,000	\$22,552,000	\$21,412,000	10.9%
Early Childhood Academy PCS Elsie Whitlow	287	\$286,000	\$733,000	\$21,000	\$17,059,000	\$6,880,000	4.2%
Stokes Community Freedom PCS	585	\$266,000	\$69,000	\$0	\$6,468,000	\$13,200,000	2.0%
Friendship PCS	4565	\$7,681,000	\$5,169,000	\$76,000	\$149,462,000	\$92,725,000	8.3%
Girls Global Academy PCS	65	\$353,000	\$0	\$222,000	\$0	\$3,146,000	11.2%
Goodwill Excel Center PCS	362	\$809,000	\$0	\$5,000	\$0	\$6,767,000	12.0%
Harmony DC PCS	114	\$464,000	\$4,000	\$18,000	\$0	\$3,580,000	13.0%
Hope Community PCS Howard University	571	\$4,588,000	\$0	\$0	\$0	\$14,906,000	30.8%
Middle School of Math and Science PCS	290	\$285,000	\$0	\$0	\$0	\$6,852,000	4.2%
I Dream PCS	56	\$173,000	\$6,000	\$26,000	\$118,000	\$2,048,000	8.4%
IDEA PCS	336	\$868,000	\$227,000	\$672,000	\$6,695,000	\$9,088,000	9.6%
Ingenuity Prep PCS	761	\$2,608,000	\$1,000	\$51,000	\$14,000	\$19,008,000	13.7%
Inspired Teaching	518	\$1,825,000	\$13,000	\$16,000	\$1,818,000	\$11,290,000	16.2%

D.C. Local Education Agencies (excludes adult education charter LEAs)	2020-21 Enrollment	M&O of Facilities	Interest on long term debt	School construction capital outlay	Long term debt at end of FY21	FY2021 total education expenditures (excludes capital outlay & interest)	M&O as % of education expenditures
Demonstration PCS							
Kingsman Academy PCS	261	\$356,000	\$326,000	\$277,000	\$8,290,000	\$6,500,000	5.5%
KIPP DC PCS	7000	\$34,191,000	\$7,813,000	\$77,328,000	\$240,320,000	\$160,876,000	21.3%
Latin American Montessori Bilingual PCS	519	\$854,000	\$1,741,000	\$8,572,000	\$36,719,000	\$11,124,000	7.7%
Lee Montessori PCS Mary McLeod	385	\$1,804,000	\$1,000	\$798,000	\$300,000	\$9,444,000	19.1%
Bethune Day Academy PCS	375	\$828,000	\$0	\$0	\$0	\$8,285,000	10.0%
Maya Angelou PCS	181	\$935,000	\$159,000	\$283,000	\$3,729,000	\$10,719,000	8.7%
Meridian PCS	605	\$966,000	\$511,000	\$91,000	\$12,983,000	\$15,927,000	6.1%
Monument Academy PCS	95	\$2,129,000	\$2,000	\$163,000	\$25,000	\$10,195,000	20.9%
Mundo Verde Bilingual PCS	955	\$2,016,000	\$376,000	\$209,000	\$8,983,000	\$20,899,000	9.6%
Paul PCS	726	\$1,049,000	\$707,000	\$325,000	\$17,457,000	\$18,050,000	5.8%
Perry Street Preparatory PCS Richard Wright	450	\$1,054,000	\$0	\$220,000	\$12,115,000	\$10,888,000	9.7%
PCS for Journalism and Media Arts Rocketship	299	\$1,544,000	\$520,000	\$1,260,000	\$12,522,000	\$7,718,000	20.0%
Education DC PCS	1525	\$10,647,000	\$0	\$0	\$0	\$40,372,000	26.4%
Roots PCS	117	\$0	\$0	\$0	\$0	\$2,643,000	0.0%
SEED PCS	230	\$1,055,000	\$59,000	\$199,000	\$1,850,000	\$10,879,000	9.7%
Sela PCS	261	\$760,000	\$0	\$21,000	\$517,000	\$5,783,000	13.1%
Shining Stars Montessori Academy PCS	288	\$70,000	\$285,000	\$0	\$10,906,000	\$5,151,000	1.4%

D.C. Local Education Agencies (excludes adult education charter LEAs)	2020-21 Enrollment	M&O of Facilities	Interest on long term debt	School construction capital outlay	Long term debt at end of FY21	FY2021 total education expenditures (excludes capital outlay & interest)	M&O as % of education expenditures
Social Justice PCS	49	\$236,000	\$0	\$2,000	\$0	\$1,995,000	11.8%
St. Coletta Special Education PCS Statesmen	243	\$2,541,000	\$3,000	\$22,000	\$0	\$19,290,000	13.2%
College Preparatory Academy for Boys PCS	185	\$760,000	\$0	\$38,000	\$0	\$5,341,000	14.2%
The Children's Guild DC PCS	293	\$669,000	\$0	\$0	\$0	\$9,391,000	7.1%
The Sojourner Truth School PCS	92	\$388,000	\$0	\$10,000	\$0	\$2,602,000	14.9%
Thurgood Marshall Academy PCS	374	\$674,000	\$0	\$0	\$0	\$10,529,000	6.4%
Two Rivers PCS	985	\$1,233,000	\$1,986,000	\$1,761,000	\$54,106,000	\$21,787,000	5.7%
Washington Global PCS	231	\$763,000	\$330,000	\$16,000	\$6,021,000	\$5,010,000	15.2%
Washington Latin PCS Washington	734	\$676,000	\$289,000	\$99,000	\$13,830,000	\$15,277,000	4.4%
Leadership Academy PCS	412	\$676,000	\$0	\$350,000	\$1,000	\$13,298,000	5.1%
Washington Yu Ying PCS	580	\$452,000	\$362,000	\$0	\$10,388,000	\$12,240,000	3.7%

SELECTED REFERENCES:

State Board of Education State Resolution to Approve the National Association of State Boards of Education (NASBE) Healthy Schools Facility Network (HSFN) Team Work Plan SR22-18:

https://sboe.dc.gov/sites/default/files/dc/sites/sboe/publication/attachments/2022-12-21-SIGNED-SR22-18-To%20Approve%20the%20NASBE%20Healthy%20Schools%20Facility%20Network%20%28HSFN%29%20Team%20Work%20Plan.pdf

D.C. Education Governance Recommendations and Considerations:

https://sboe.dc.gov/sites/default/files/dc/sites/sboe/page_content/attachments/2023-03-10-Embargoe-Education-Governance-Report.pdf

Federal resources: The Department of Energy and the Environmental Protection Agency have educational and grant programs for schools and LEAs. Likewise, the Department of Education has resources as well. A full listing is beyond the scope of this paper. As an illustrative example, here is a link to EPA resources:

www.epa.gov/iaq-schools/ondemand-training-webinars

US Green Building Council LEED checklist, incorporating features that promote health and well-being:

https://www.usgbc.org/resources/checklist-leed-v4-building-design-and-construction; see tab for school projects