

A RESOLUTION

**Proposed Resolution
20-38**

To declare the existence of an emergency, due to Congressional review, with respect to the need to permit parent-run, school-based enrichment programs approved to operate in District public schools during the 2012-2013 year to continue operating for the remainder of the school year without being charged rent payable to the District, and to require the Department of General Services to develop a procedure for the use of school spaces by parent-run, not-for-profit enrichment programs to take effect with the start of the 2013-2014 school year.

**See Emergency Act
D.C. Act 20-1
20 DCSTAT 407**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “School-Based Enrichment Programs Congressional Review Emergency Declaration Resolution of 2013”.

**School-Based
Enrichment
Programs
Congressional
Review Emergency
Declaration
Resolution of 2013**

Sec. 2. (a) Parent groups at many District public schools have been organizing enrichment programs at their schools before and after the school day for many years. An enrichment program often includes Spanish or Chinese language classes, art instruction, or extra help with reading. Typically, the program is approved by the school’s principal and parent teacher association ("PTA"), provided on a not-for-profit basis, and run by parent volunteers.

(b) At many schools, enrichment programs have been operating without paying rent to the District for using classrooms and common spaces. Recently, however, the Department of General Services (“DGS”) has begun billing enrichment programs upwards of \$1,000 per month in rent for these spaces. Because the school year is already underway, this charge is creating a significant hardship on schools and their families, particularly on low-income families. The enrichment programs and PTAs have not budgeted for this large monthly expense, which would ultimately have to be borne by the parents who are seeking extra learning and classroom time for their children.

(c) The rental fee discussed in subsection (b) of this section was not listed in the Master Fee Schedule, as required by the Fiscal Year 2013 Budget Submission Requirements Resolution of 2011, effective December 6, 2011 (Res. 19-449; 58 DCR 11027), thus depriving the public and the Council of formal notice of this fee.

(d) Moreover, the legality of whether the District can or must charge rent to enrichment programs is unclear. In support of charging fees to enrichment programs, DGS has cited “Directive 612.1b,” a document apparently issued by D.C. Public Schools many years ago that once required enrichment programs to pay \$100 per classroom per month. Yet, the document header itself suggests that this administrative order was rescinded on July 11, 1985. The general counsels at DGS and D.C. Public Schools have yet to opine as to whether this document is still legally effective. And enrichment programs may already be exempt from paying rent to the District by section 3503.4 of Title 5 of the District of Columbia Municipal Regulations (5 DCMR § 3503.4), which permits “school-related organizations” to use school facilities during normal hours at no cost.

(e) Given that the 2012-2013 school year is already underway, that PTA budgets and charges for these programs are already set for this year, that many schools have been operating these programs for years without being charged, that notice of this fee has not provided to the public, and

that the legality of charging parent groups is in question, it is unfair to require approved enrichment programs to pay thousands of dollars in rent for operating in schools.

(f) This emergency legislation is necessary to permit approved school-based enrichment programs to continue operating at District public schools without having to pay rent to the District through the remainder of the 2012-2013 school year, and to require DGS to develop a procedure for the use of school spaces by parent-run, not-for-profit enrichment programs to take effect with the start of the 2013-2014 school year. Without this legislation, these programs could be forced to close or to substantially increase the charges paid by parents.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the School-Based Enrichment Programs Congressional Review Emergency Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.