


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: December 3, 2018

SUBJECT: Fiscal Impact Statement – School Safety Omnibus Amendment Act of 2018

REFERENCE: Bill 22-951, Committee Print as shared with the Office of Revenue Analysis on November 26, 2018

Conclusion

Funds are not sufficient in the fiscal year 2019 through 2022 budget and financial plan to implement the bill. The bill will cost \$1.56 million in fiscal year 2019 and \$6.61 million over the four-year financial plan.

Background

The bill requires public schools, private schools, and the Office of the State Superintendent of Education (OSSE) to adopt measures that address sexual abuse and student-on-student harassment.

Title I - Schools' Obligations to Prevent and Address Student Sexual Abuse

The bill requires all public and private schools in the District to adopt and implement a policy to prevent and address all forms of student sexual abuse. The policy must include protocols for how the school will respond to allegations and must inform the school community about investigations. The policy must detail how the school will implement the policy and list resources and information for students and families affected by sexual abuse. The policy must be shared with staff, parents, and students, and must be shared publicly on the school websites.

Beginning in school year 2019-2020, each school must provide biennial in-person staff trainings, annual parent training, and information on sexual abuse. Staff trainings must address reporting and response protocols, student sexual abuse prevention, and how to communicate with parents about student sexual abuse. Annual parent trainings and information must address reporting, prevention, and how to discuss topics with children.

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The bill requires OSSE to develop a model policy on preventing and addressing student sexual abuse that schools may adopt. OSSE must also provide training and training resources on sexual assault. Schools may use OSSE's model policy and training to implement the requirements in the bill. OSSE must also collaborate with the Child and Family Services Agency (CFSA) and the Metropolitan Police Department (MPD) to improve communications and responsiveness to reports of student sexual abuse.

Title II - Prohibition Against Assisting Certain Employment of Perpetrators of Child Sexual Offenses

The bill requires each Local Education Agency (LEA) to make a reasonable effort to identify whether any potential new staff member or staff member of a partner organization who has direct contact with students has ever committed or been credibly alleged to have committed abuse of a child. To comply, LEAs must

- Require applicants to provide contact information for their current employer and for jobs in the past 20 years that involved regularly interacting with children;
- Require applicants to provide contact information for at least one character reference;
- Require applicants to submit a written statement attesting to any past misconduct allegations, disciplinary action, or license suspensions related to sexual abuse of a child;
- Conduct criminal background checks;
- Contact all known former employers and character references; and
- Cross-reference available child abuse and neglect registries and the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse to determine whether the potential new hire has previously had an educational credential revoked.

The bill prohibits^{1,2} an employee, contractor, or agent of OSSE, District of Columbia Public Schools (DCPS), District of Columbia Public Charter Schools (DC PCS), and all child or youth services providers from assisting another employee with finding a new job if the individual or agency knows, or has probable cause to believe, that the employee engaged in sexual misconduct regarding a minor or student. Exceptions may be made if probable cause information was reported to law enforcement and the matter was investigated and unsubstantiated. Each publicly funded school and LEA in the District of Columbia is required to adopt policies to implement the bill.

Title III - Schools' Obligation to Prevent Student-On-Student Sexual Harassment, Sexual Assault, and Dating Violence

The bill requires³ all public and private schools in the District to adopt and implement a policy to prevent and address student-on-student sexual harassment, sexual assault, and dating violence. The policy must include a statement prohibiting sexual harassment, sexual assault, and dating violence and must include a protocol for how the school will respond to allegations. Schools must also protect the safety of complainants during investigations and develop impartial grievance procedures for students to file complaints. The policy must address how the policy will apply during school hours,

¹ By amending Section 252 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020.52).

² By amending Section 202 of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.09).

³ By amending The Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731).

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at school events and activities, over social media, and during travel to and from school, school events and activities. Schools must provide the policy to staff, parents, and students and must publish the policy on its website.

Beginning in school year 2019-2020, each school must provide biennial staff trainings, parental training, and information on resources to support and implement each school's policy. Staff development trainings must include prevention techniques. Each school must provide a list of resources, services, and information to students and families affected by sexual harassment, sexual assault, or dating violence, including school-based supports.

The bill requires OSSE to develop a model policy on preventing and addressing student-on-student sexual harassment, sexual assault, and dating violence that schools may adopt. OSSE must also make training and other resources available to schools.

Title IV - Procurement Practices Reform; Prevention of Child Abuse and Neglect at Child Development Centers; Healthy Schools Curriculum

The bill updates procurement competition exemptions to include⁴ the procurement of professional development training on student health and safety.

The bill also updates⁵ District law to reflect current practice by formally granting OSSE access to the District's Child Protection Register (CPR). The federal government requires⁶ OSSE to complete criminal background checks for all child development facility staff. To complete these checks, OSSE accesses the CPR to search for substantiated reports of abuse or neglect by individuals. The CPR is a confidential database of people known or strongly suspected to have abused or neglected children in the District and is maintained by CFSA.

The bill requires⁷ public schools and public charter schools include annual age-appropriate student instruction on recognizing and reporting sexual misconduct and child abuse, setting personal boundaries, communicating with adults about personal boundaries, the meaning of consent, and healthy relationships. OSSE must update the District's health education standards to incorporate these instructional requirements. OSSE must also make available to schools a list of curricula or a curriculum guide to implement the new instruction requirements.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2019 through 2022 budget and financial plan to implement the bill. The bill will cost \$1.56 million in fiscal year 2019 and \$6.61 million over the four-year financial plan.

⁴ By amending Section 413(17) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.13(17)).

⁵ By amending Section 203 of The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1302.03(a-1)).

⁶ The Child Care and Development Block Grant Act of 2013, approved November 19, 2014 (P.L. 113-186; 42 U.S.C. § 9858 et seq.) and its implementing regulations (34 CFR § 98.43(b)).

⁷ By amending the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02).

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OSSE will need to hire one additional full-time employee to develop model policies on sexual assault and student-on-student harassment, develop training resources, update health education standards, and manage interagency collaboration with CFSA and MPD. OSSE will also need funding to purchase materials to provide annual trainings on sexual abuse and student-on-student abuse. In total, OSSE will need \$109,600 in fiscal year 2019 and \$582,300 over the four-year financial plan.

Bill 22-951 - School Safety Omnibus Amendment Act of 2018					
OSSE Costs					
	FY 2019	FY 2020	FY 2021	FY 2022	Total
Salary and Fringe ^(a)	\$59,608	\$103,974	\$105,794	\$107,645	\$377,022
Training Materials ^(b)	\$50,000	\$50,875	\$51,765	\$52,671	\$205,312
Total	\$109,608	\$154,849	\$157,559	\$160,316	\$582,333

Table Notes:

- a) Assumes one Grade-12, Step-5 employee and a fringe rate of 23 percent. Assumes 1.75 percent cost growth.
- b) Assumes 1.75 percent cost growth.

DCPS will need additional resources to implement the bill. Specifically, DCPS will need funding to:

- Translate and print new sexual abuse and student-on-student harassment policies for distribution to staff, parents, and students at 116 schools.
- Hire eight full-time central office employees as follows:
 - Three training specialist and one training supervisor to review, create, and facilitate staff and parent trainings at schools.
 - One curriculum development analyst to develop curricula for each grade level and to train teachers on the curriculum.
 - Two human resource assistants and one background investigator to complete additional background check requirements for job applicants.
- Pay an annual membership fee to access the NASDTEC Clearinghouse.
- Upgrade human resources applications to accommodate new applicant background disclosure requirements.

In total, DCPS will need \$489,000 in fiscal year 2019 and \$3.12 million over the four-year financial period to implement the bill.

Bill 22-951 - School Safety Omnibus Amendment Act of 2018					
DCPS Costs					
	FY 2019	FY 2020	FY 2021	FY 2022	Total
Language Translation and Printing	\$60,000	\$0	\$0	\$0	\$60,000
DCPS Salary and Benefits ^(a)	\$407,933	\$711,552	\$724,005	\$736,675	\$2,580,165
Administrative Premium Payment ^(b)	\$0	\$200,000	\$50,000	\$200,000	\$450,000
NASDTEC Membership	\$1,100	\$1,100	\$1,100	\$1,100	\$4,400
HR Application Upgrade	\$20,000	\$0	\$0	\$0	\$20,000
Total	\$489,033	\$912,652	\$775,105	\$937,775	\$3,114,565

Table Notes:

- a) One Grade-15, Step 1 Curriculum Development Analyst; one Grade-16, Step-1 Training Supervisor; three Grade-14, Step- 1 Training Specialists; one Grade-14, Step-1 Background Investigator; and two

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Grade-11, Step-1 HR Possessing Assistants. Assumes a fringe rate of 14.9 percent and 1.75 percent cost growth.

b) Assumes \$40 per Washington Teachers Union member and 25 percent turnover.

DC PCS LEAs will need additional resources to implement the bill. Specifically, each LEA will need funding to:

- Translate and print new sexual abuse and student-on-student harassment for distribution to staff, parents, and students at 123 schools.
- Contract with a vendor to provide biennial training to staff members and hires as well as an annual training for parents on sexual abuse.
- Pay an annual membership fee to access the NASDTEC Clearinghouse.
- Contract with an outside vendor to do more extensive background checks on new employees.
- Purchase off-the-shelf curriculum for each grade level at each public charter school.

In total, DC PCS LEAs will need \$962,800 in fiscal year 2019 and \$2.91 million over the four-year financial period to implement the bill.

Bill 22-951 - School Safety Omnibus Amendment Act of 2018					
DC PCS Costs					
	FY 2019	FY 2020	FY 2021	FY 2022	Total
Language Translation and Printing ^(a)	\$267,750	\$0	\$0	\$0	\$267,750
Training for Staff and Parents ^(b)	\$0	\$161,850	\$84,144	\$163,804	\$161,850
NASDTEC Membership for each LEA ^(c)	\$33,000	\$33,000	\$33,000	\$33,000	\$132,000
Additional Background Checks ^(d)	\$463,750	\$471,866	\$480,123	\$488,525	\$1,904,264
Curriculum Procurement ^(e)	\$198,300	\$0	\$0	\$0	\$200,000
Total	\$962,800	\$666,716	\$597,267	\$685,330	\$2,912,112

Table Notes:

- a) Assumes translation cost of \$3,125 per LEA and \$500 of printing costs for each school.
- b) Assumes 7,100 staff members, 30 parents per charter school, and \$15 per person training cost.
- c) Assumes \$500 membership fee per LEA.
- d) Assumes \$250 background check expenses per open position, an annual 25 percent job turnover rate, and new staff at four new charter schools.
- e) Assumes curriculum will need to be procured for 661 grade cohorts at a cost of \$300 per cohort.

In total, the bill will cost \$1.56 million in fiscal year 2019 and \$6.61 million over the four-year financial plan.

Bill 22-951 - School Safety Amendment Act of 2018					
Total Costs					
	FY 2019	FY 2020	FY 2021	FY 2022	Total
OSSE Costs	\$109,608	\$154,849	\$157,559	\$160,316	\$582,333
DCPS Costs	\$489,000	\$912,700	\$775,100	\$937,800	\$3,114,600
DC PCS Costs	\$962,800	\$666,716	\$597,267	\$685,330	\$2,912,112
Total	\$1,561,408	\$1,734,265	\$1,529,926	\$1,783,446	\$6,609,045