



COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004

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January 25, 2021

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the “Student Activity Fund Theatrical and Music Performance Expenditures Act of 2021”. Please find enclosed a signed copy of the legislation.

This legislation would clarify that expenditures on school-administered theatrical and music performances, including stipends, are eligible for disbursement from a school’s Student Activity Fund (“SAF”) account. This change aims to enhance the ability of DCPS schools across the District to put on theater and music performances, helping increase equitable access to arts programming.

In addition to their annual budget, all DCPS school are provided access to a SAF account. Funds in these accounts are used by schools to pay for a range of expenses not covered in their budgets, including extracurricular activities and athletics programming. What expenses are eligible for disbursement from SAF accounts are governed by a manual promulgated by the Office of the Chief Financial Officer in conjunction with the District of Columbia Public Schools.<sup>1</sup> Per that manual, expenses related to a range of extracurriculars and athletic activities are eligible for reimbursement; however, costs related to theatrical and music performances are not specifically enumerated, and stipends of any kind are explicitly excluded from that list.

Unfortunately, due to budget limitations, a number of DCPS schools do not have orchestra, choral, theater, or band teachers. In the absence of these staff, who are best equipped to administer theater and music extracurriculars, schools may look outside the school, to private contractors, to run this programming. There is no way, however, for schools to pay these contractors: schools cannot use SAF or general budget funds for non-DCPS employee stipends. As a result, schools across the

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<sup>1</sup> Available here: <http://marycheh.com/wp-content/uploads/2021/01/SAF-Policy-Manual-Revised-as-of-August-26-2019.pdf>.

District are forced look to LSATs, PTOs, and parents for donations to cover these costs. Where the school is unable to find donors, these student performances are canceled. Ironically, if schools raise revenue from arts programming through ticket sales, advertising, and other sponsorship, that revenue must be deposited in the SAF account—but then cannot be used to cover certain expenditures to put on that same programming.

The ability of parents and community members to donate to a school should not be the deciding factor as to whether the school can offer theater and music programming to students. By removing unnecessary restrictions on SAF accounts, this legislation will help ensure schools are not reliant on donations to offer this programming. For some schools, this legislation could mean that they are able to provide theater and music programming for the first time in years.

The Council unanimously approved this legislation on emergency twice during Council Period 23,<sup>2</sup> and, most recently, approved a congressional review emergency of the legislation on January 5, 2021.<sup>3</sup> Given this broad support, it is my hope that the Council will move this legislation forward quickly in Council Period 24, providing clarity to schools, families, and prospective contractors regarding the permanency of the change this legislation makes to DCPS rules regarding SAF disbursements.

Should you have any questions, please contact my Legislative Director Michael Porcello at [mporcello@dccouncil.us](mailto:mporcello@dccouncil.us) or (202) 724-8062.

Thank you.

Best,

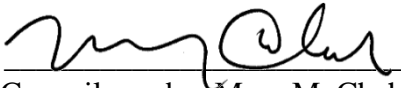


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<sup>2</sup> First, on October 8, 2019, as Act 23-130, the Student Activity Fund Theatrical and Music Performance Expenditures Emergency Act of 2019, and second, on July 21, 2020, before the associated temporary legislation could expire, as Act 23-379, Student Activity Fund Theatrical and Music Performance Expenditures Emergency Act of 2020.

<sup>3</sup> B24-08, the Student Activity Fund Theatrical and Music Performance Expenditures Congressional Review Emergency Act of 2021.

  
Councilmember Mary M. Cheh

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To provide that expenditures on school-administered theatrical and music performances, including stipends for non- District of Columbia Public Schools employees, shall be allowable expenditures from a school’s Student Activity Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Student Activity Fund Theatrical and Music Performance Expenditures Act of 2021”.

Sec. 2. Use of Student Activity Funds for theatrical and music performances.

(a) Expenditures on school-administered theatrical and music performances, including stipends for non-District of Columbia Public Schools (“DCPS”) employees, but excluding stipends for DCPS employees, shall be an allowable expenditure from a DCPS school’s Student Activity Fund.

(b) For the purposes of this act, the term “theatrical and music performances” means the planning, rehearsal, or presentation of a musical, staged play, choral production, orchestral or band concert, variety show, improvised or sketch comedy performance, or other live performance.

Sec. 3. Fiscal impact statement.

32           The Council adopts the fiscal impact statement in the committee report as the fiscal  
33 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
34 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

35           Sec. 4. Effective date.

36           This act shall take effect following approval by the Mayor (or in the event of veto by the  
37 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
38 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
39 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
40 Columbia Register.