

Government of the District of Columbia



Office of Advisory Neighborhood Commissions
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MEMORANDUM

TO: Tricia Duncan, Chair, ANC 3D
Marilyn Nowalk, Treasurer, ANC 3D
FR: Andrew Gerst, Attorney Advisor
DT: November 25, 2024
RE: Hardy Middle School PTO Grant Request for Math and Spelling Bee Competitions

The OANC (“Office of Advisory Neighborhood Commissions”) has received a copy of a grant request from the Hardy Middle School Parent Teacher Organization (“PTO”) for funds to support participation in the school’s Math and Spelling Bee Competitions. The PTO states that this project “is expected to strengthen the skills and academic engagement of students at Hardy in a fun and dynamic tournament that will also include students from the five feeder elementary schools.” The PTO states that, as the by-right neighborhood middle school for the Spring Valley, Wesley Heights, Foxhall, and Palisades communities, and the school to which Key and Mann Elementary Schools feed, Hardy Middle School (“Hardy”) serves many families and students within ANC 3D’s commission area. Key and Mann Elementary Schools are both located in ANC 3D.

I have reviewed the application sent to OANC and have found that the request is a **permissible** expenditure of ANC monies, as outlined below.

There are five prongs a grant must meet to be a permissible expense,¹ and there is an additional requirement in the D.C. Official Code that limits the amount of a grant that can be spent on overhead.² These are:

1. **Public Purpose:** ANC grants must be for “public purposes within the Commission area ...”.³ A public purpose is one “that includes a significant benefit for the community and is not done for the primary purpose of benefitting a private entity.”⁴ (This standard

¹ See *Letter to Schanette Grant on Seasoned Settlers Grants and Grants Generally*, April 14, 2022, found at <https://oag.dc.gov/sites/default/files/2022-04/Letter-to-OANC-Re-Seasoned-Settlers-Grant-and-Grants-Generally-.pdf>.

² D.C. Official Code 1-309.13(m)(2)(D) provides that “[n]o Commission shall provide a grant for which the grantee estimates that the overhead costs would exceed 15% of the entire grant amount.”

³ D.C. Official Code § 1-309.13(l)(1).

⁴ *Id.* This precludes payment to individuals, whether it be for services or as a stipend or honorarium. It also precludes handouts to volunteers such as t-shirts and the purchase of items of a non-transient nature that will remain

replaced the previous such standard, and was amended by the Fiscal Year 2025 Budget Support Act of 2024 and its accompanying emergency and temporary legislation.)

Hardy Middle School draws a sizeable number of its students from the area comprising ANC 3D, as two of Hardy's feeder elementary schools, Horace Mann Elementary School and Key Elementary School, are located within ANC 3D. Therefore, it can be estimated that approximately 2/5th, or 40%, of Hardy's students are children who reside in ANC 3D. In addition, the PTO states that all students at Hardy are eligible to participate in these competitions and to therefore benefit from any such approved grant.

2. **Local Benefit:** A grant must "benefit persons who reside or work within the Commission area."⁵ This does not mean that the grant may only benefit Commission residents – it simply means the grant's benefits should be focused on those residents.⁶

As stated above, Hardy draws approximately 2/5th, or 40%, of its students from the area comprising ANC 3D. Therefore, this satisfies the requirement that the grant benefits persons who reside within the Commission area.

3. **Proposed Project.** A grant must be for a proposed project.⁷ This means that it must be for a specific undertaking, not for general support of an organization. It also means that a grant cannot reimburse an organization for expenses connected to an existing or completed project. Hardy's Math and Spelling Bee Competitions program satisfies the requirements of this particular prong.
4. **Organization.** A grant must be to an "organization," not an individual or a government entity,⁸ although the organization need not be incorporated.⁹ The PTO here is an organization, thus satisfying this requirement.
5. **Non-Duplication.** A grant cannot duplicate any services offered by the District of Columbia government.¹⁰ The proposed project regarding this grant request is not duplicative of any District government service.
6. **Overhead.** Overhead cannot exceed 15% of the entire grant amount.¹¹ The applicant states that there are no overhead costs involved in the project regarding this grant request.

in the possession of an individual after an event such as tables and chairs or tents. Rental of such items is permissible. The ANC may purchase items that they retain and use or loan out to the community.

⁵ D.C. Official Code § 1-309.13(m)(1).

⁶ See *Letter to Deborah K. Nichols*, Nov. 9, 2006, at 2, n.2 found at [Letter-to-Deborah-Nichols-Re-Whether-an-ANC-may-approve-a-grant-to-commission-plans-and-drawings-.pdf](#) (ANC 4C grant was permissible where the "[b]enefit to other ANCs would be incidental to the benefit conferred on ANC 4C residents," because a grant's benefits need not "be exclusive to the ANC that gives the grant funds"); see *Letter to Comm'r Fletcher*, Mar. 15, 2022, at 2, available at <https://oag.dc.gov/sites/default/files/2022-03/ANC-7E-Letter-to-Commissioner-Fletcher-RePublic-Purposes-Within-the-Commission-Area-.pdf> (making the same point with respect to the public-purpose requirement).

⁷ D.C. Official Code § 1-309.13(m)(2)(A).

⁸ D.C. Official Code § 1-309.13(m)(1); see also *Letter to Deborah K. Nichols*, Jan. 14, 2010, at 4, available at <https://oag.dc.gov/sites/default/files/2018-02/ANC-January-14-2010-Guidelines-for-Use-of-ANC-Funds.pdf>

⁹ See *Letter to Deborah K. Nichols*, Aug., 4, 2000 at 3, available at <https://oag.dc.gov/sites/default/files/201802/ANC-August-4-2000-Grants-by-ANCs-Public-Purpose-and-Corporate-Status-of-Recipients.pdf> ("The plain meaning of the term 'organization' includes unincorporated associations").

¹⁰ D.C. Official Code § 1-309.13(m)(1).

¹¹ D.C. Official Code § 1-309.13(m)(2)(D).

Conclusion

For the reasons stated above, this grant is a **permissible** expenditure of ANC funds.