

THE COUNCIL OF THE CITY OF NEW YORK

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Report to the Committee on Finance,
the Committee on General Welfare and
the Committee on Juvenile Justice
on the Fiscal 2019 Executive Budget for
Administration for Children's Services

May 15, 2018

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ACS Executive Budget Overview

\$2.94 billion – Fiscal 2019 Executive Budget

7,016 Headcount

\$987.9 million in City funds

\$1.18 billion in Federal revenue

\$728.2 million in State revenue

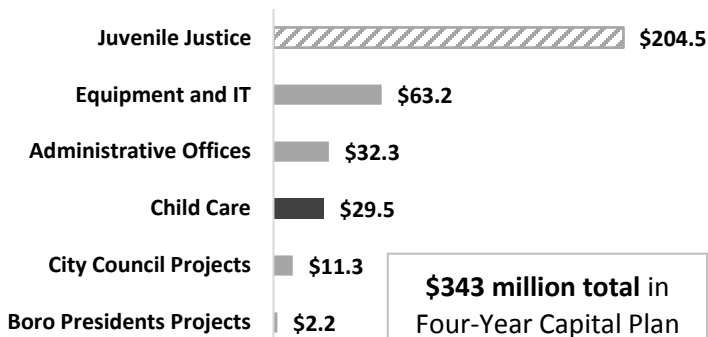
573 Contracts totaling **\$1.76 billion**

Executive Budget Changes

- One new need included in the Fiscal 2019 Executive Budget for Cyber Command and Cybersecurity totaling **\$227,000** in Fiscal 2019 and **\$370,000** in Fiscal 2020 and in the outyears.
- **\$373.9 million** in other adjustments:
 - **\$341.3 million** for the delayed transition of EarlyLearn to the Department of Education (DOE), including the inter-city transfer of Universal Pre-K with EarlyLearn contracts;
 - **\$51.3 million** for the first phase of Raise the Age implementation;
 - **\$14.8 million** in savings from Secure Placement Re-Estimate; and
 - **\$5.5 million** in savings from vacancy reductions.

Four-Year Capital Plan Budget

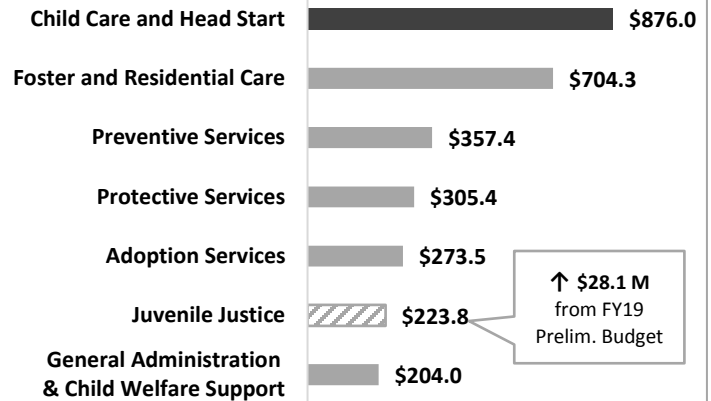
(\$ in Millions)



*Consolidated refers to related program areas within ACS’ key areas of operation that have been merged for budgetary presentation purposes.

2019 Executive Budget by Consolidated Program Area*

(\$ in Millions)



Council’s 2019 Budget Response

Included in the Executive Budget

- **\$30.5 million** to backfill the loss of State funding for the Close to Home juvenile justice program
- **\$51.3 million** for the first phase of Raise the Age implementation at ACS, part of a **\$113.3 million** citywide initiative

Not Included in the Executive Budget

- **\$14.8 million** for Priority 5 child care vouchers
- Pay parity for child care providers
- New Units of Appropriation (U/As) for better transparency

Major Agency Issues

- **Raise the Age.** Programmatic and budgetary issues related to Raise the Age implementation, such as facilities, staffing, and services are included.
- **EarlyLearn Transition from ACS to DOE.** There is a lack of details in the Executive Plan on the over \$600 million transition of services, staff and programs.
- **Preventive Referral Wait List.** Funding added in Fiscal 2018 has helped close the referral wait list, but it should be monitored.
- **Foster Care Task Force Recommendations.** No New Needs related to the Foster Care Task Force’s recommendations appear in ACS’ Executive Budget.

ACS Overview

This report presents a review of the Administration for Children's Services' (ACS') Fiscal 2019 Executive Budget. The section below presents an overview of the agency's budget and how it has changed during the course of Fiscal 2018, followed by a review of the significant budget actions introduced in the Fiscal 2019 Executive Budget. Major issues related to the agency's budget are then discussed. Analysis and highlights of ACS' Capital Budget and Fiscal 2018 - 2022 Commitment Plan follow the discussion of the expense budget. Appendix 1 reports the changes made to the Fiscal 2018 and Fiscal 2019 Budgets since adoption of the Fiscal 2018 Budget. For additional information on the agency's budget and its various programs, please refer to the Fiscal 2019 Preliminary Budget Report for the Administration for Children's Services via the New York City Council at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3346055&GUID=9E763F76-9DC8-4B92-9A27-4B2588959035>.

Below is a summary of spending changes by program area and source when comparing the Administration for Children's Services' Fiscal 2019 Executive Budget to its Fiscal 2018 Adopted Budget.

Administration for Children's Services Financial Summary						
<i>Dollars in Thousands</i>	2016	2017	2018	Executive Plan		*Difference
	Actual	Actual	Adopted	2018	2019	2018 - 2019
Spending						
Personal Services	\$419,908	\$465,017	\$491,682	\$487,405	\$489,847	(\$1,835)
Other Than Personal Services	2,455,212	2,509,076	2,637,663	2,669,969	2,454,610	(183,053)
TOTAL	\$2,875,120	\$2,974,093	\$3,129,345	\$3,157,374	\$2,944,457	(\$184,888)
Budget by Program Area						
Adoption Services	\$254,415	\$255,496	\$273,542	\$273,542	\$273,542	\$0
Alternatives to Detention	7,557	6,974	1,515	8,497	1,040	(475)
Child Care Services	902,654	919,215	969,076	966,817	772,825	(196,251)
Child Welfare Support	53,178	60,159	53,899	53,899	53,899	0
Agency of Education Residential Care	106,687	102,000	96,201	96,201	96,201	0
Foster Care Services	517,870	513,582	541,105	550,934	556,415	15,310
Foster Care Support	33,206	38,174	50,278	47,928	51,700	1,422
General Administration	145,503	159,732	145,069	148,393	150,065	4,996
Head Start	163,745	173,910	172,535	178,073	103,207	(69,328)
Juvenile Justice Support	12,101	12,699	12,521	12,575	12,021	(500)
Non-Secure Detention	16,236	14,312	16,176	16,133	16,176	0
Placements	123,341	128,460	128,582	128,857	121,884	(6,698)
Preventive Homemaking Services	23,000	22,947	20,639	26,713	26,713	6,074
Preventive Services	234,944	248,063	312,685	306,858	330,660	17,975
Protective Services	253,992	291,747	308,192	311,499	305,444	(2,748)
Secure Detention	26,691	26,621	27,331	30,454	72,665	45,334
TOTAL	\$2,875,120	\$2,974,093	\$3,129,345	\$3,157,374	\$2,944,457	(\$184,888)
Funding						
City Funds	\$924,121	\$808,397	\$1,023,441	\$1,027,317	\$987,888	(\$35,553)
Other Categorical	0	321	0	158	0	0
State	631,323	823,670	747,526	758,202	728,185	(19,341)
Federal - Community Development	2,963	2,963	2,963	2,963	1,728	(1,235)
Federal - Other	1,240,742	1,266,556	1,278,813	1,286,058	1,175,754	(103,059)
Intra City	75,971	72,185	76,602	82,676	50,902	(25,700)
TOTAL	\$2,875,120	\$2,974,093	\$3,129,345	\$3,157,374	\$2,944,457	(\$184,888)
Budgeted Headcount						
Full-Time Positions	5,972	6,343	7,155	7,157	7,016	(139)
Full-Time Equivalent Positions	28	19	61	59	59	(2)
TOTAL	6,000	6,362	7,216	7,216	7,075	(141)

*The difference of Fiscal 2018 Adopted Budget compared to Fiscal 2019 Executive Budget.

ACS' Fiscal 2019 Executive Budget is \$184.9 million less than its Adopted Budget for Fiscal 2018. This overall decrease is largely the net result of the partial-year transfer of \$265.5 million in EarlyLearn services to the Department of Education (DOE) commencing in February 2019, along with an increase in Preventive Services, by \$18 million, Foster Care Services, by \$15.3 million, and Secure Detention associated with implementation of Raise the Age, by \$45.3 million. The substantial decrease of \$103 million in federal revenue is largely due to the transfer of Head Start services to the DOE. There are also noteworthy reductions in State revenue, in particular the shift of \$30.5 million in support for the Close to Home juvenile justice program from the State to the City.

New in the Executive Budget

For Fiscal 2018, ACS's total \$3.16 billion budget is \$274,000 less than the 2018 February Plan. For Fiscal 2019, as previously stated, the total \$2.94 billion budget is \$374.1 million greater than the Preliminary Budget for Fiscal 2019, due to a delay of the transfer of childcare programs to the DOE. The Fiscal 2019 Executive Budget also recognizes \$51.3 million in costs associated with the first phase of Raise the Age implementation, which includes the increase in the age of criminal responsibility to 17 year olds and the removal of all 16 and 17 year olds from Rikers Island by October 1, 2018. The Fiscal 2019 Executive budget shows a net increase of 44 full-time civilian positions when compared to the Fiscal 2019 Preliminary Budget, reflecting a large reduction in headcount from the transfer of EarlyLearn to DOE and an increase of 212 in headcount from the implementation of Raise the Age.

New Need

ACS' Fiscal 2019 Executive Budget introduces one new need, which is part of a citywide effort called *NYC Secure* aimed at combatting cyberattacks against City agencies and the public at large.

- **Cyber Command – Cybersecurity.** The Fiscal 2019 Executive Budget added \$227,000 in City funding to ACS in Fiscal 2019, and \$370,000 in Fiscal 2020 and in the outyears to combat cyber threats. NYC Cyber Command (NYC3), part of the Department of Information Technology and Telecommunications (DoITT), oversees the City's cyber defense efforts. Total funding for this program across multiple City agencies is \$41 million in Fiscal 2019. NYC3 will direct cyber defenses and incident responses, mitigate cyber threats, and provide guidance to ACS, while setting citywide information security policies and standards.

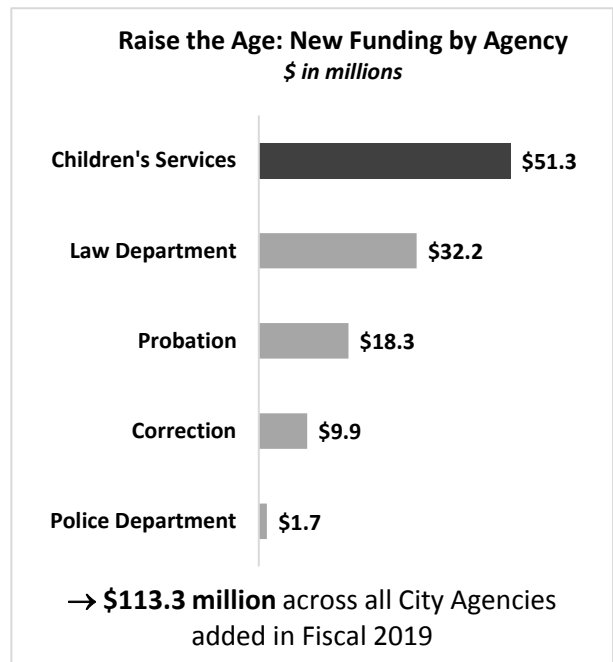
Other Adjustments

- **EarlyLearn Transition from ACS to the Department of Education (DOE).** A total of \$296.8 million was returned to ACS from DOE in recognition of the delayed transition of EarlyLearn services, which will not take place until February 2019, seven months later than planned in the Fiscal 2019 Preliminary Budget. In a similar vein, \$44.5 million in Universal Pre-Kindergarten funding was added back to ACS from DOE due to the delayed transfer start date for providers with an EarlyLearn contract. A total of 167 positions have also been added to ACS' headcount. Please see the "Other Budget Issues" section on page 6 for additional information regarding the EarlyLearn transition.
- **Secure Placement Re-Estimate.** Reflecting a reduction in payments to the New York State Office of Children and Family Services (OCFS) for juvenile placements outside of New York City, ACS generated a \$14.8 million baselined savings in Fiscal 2019 and in the outyears. ACS continues to have spare capacity in its budget should the number of juvenile offenders requiring OCFS placement increase. Currently, there are approximately 50 youth in upstate OCFS facilities.

- Vacancy Reductions.** As part of the citywide savings program, ACS includes \$2.8 million in one-time savings in Fiscal 2019 associated with a temporary elimination of vacant positions throughout the agency. These reductions do not affect front-line operational titles, such as Child Protective Specialists (CPS). ACS does not anticipate an operational impact from the removal of these vacancies.

The following unfunded State mandates identified by the Council in its Fiscal 2019 Preliminary Budget Response were funded by the Administration in the Fiscal 2019 Executive Budget.

- Close to Home.** In response to loss of funding in the enacted State budget, the City added \$30.5 million to backfill support for Close to Home. This juvenile justice program was enacted in 2012 and allows for the placement of adjudicated youth within the City, rather than in upstate, State-run facilities.
- Raise the Age.** Raise the Age legislation was enacted in 2017 and raises the age of criminal responsibility in New York from 16 to 18 years of age. To meet the requirements of Raise the Age, ACS estimates a total cost of \$51.3 million in Fiscal 2019, \$84.7 million in Fiscal 2020, and \$100.6 million in Fiscal 2021 and in the outyears. Although Raise the Age is mandated by State legislation, the State contribution for compliance is minimal at this time. For Fiscal 2019, the City budgets \$46.4 million while the State funding is only \$4 million. In Fiscal 2020, the City contribution totals \$70.2 million while State funding totals \$11.7 million. The overall cost of implementation across ACS, the Law Department, the Department of Probation, the Department of Correction, and the New York City Police Department is \$113.3 million in Fiscal 2019.



There are around 110 youth currently on Rikers who would need to move to ACS facilities in October. This number is down from around 130 to 150 earlier in 2018, as a result of a variety of efforts to reduce the population. ACS reports that it will be difficult to estimate exactly how many youth will be at Rikers for transfer as of October, due to the role of the courts and criminal justice system in determining whether young people need to be detained, and if so, for how long.

The ACS share of the total funding will support necessary staffing and programming at detention facilities, additional placement services for youth placed in a Close to Home settings, expanded alternative to detention programming and additional support and administrative services. There is also a headcount increase attributed to Raise the Age. ACS has budgeted for a substantial headcount position increase, from 212 positions in Fiscal 2019, to 479 positions in Fiscal 2020, to 693 positions in Fiscal 2021.

ACS Estimated Budgeted Headcount Related to Raise the Age			
	FY 2019	FY 2020	FY 2021
DYFJ Detention Staff	62	265	379
Other DYFJ Staff	118	158	237
Non-DYFJ Staff	32	56	77
TOTAL	212	479	693

As shown in the table above, the vast majority of ACS positions related to Raise the Age are either Department for Youth and Family Justice (DYFJ) detention staff, or other staff providing program services: for example, therapeutic services, case management, or facilities support such as food preparation. Collectively, this share of “front-line” DYFJ positions associated with Raise the Age rises from 85 percent in Fiscal 2019 to 88 percent in Fiscal 2021. The remaining positions include non-DYFJ staff: administrators, attorneys, trainers, Close to Home overnight staff, etc. It should be noted that the table above projects only an anticipated headcount breakdown, which is likely to change in line with changing staffing and youth needs as Raise the Age implementation continues.

Budget Issues

The following section provides issues and concerns as it pertains to ACS’ Executive Budget.

Fiscal 2019 Preliminary Budget Response

The Council’s response to the Mayor’s Fiscal 2019 Preliminary Budget included three recommendations for the Administration for Children’s Services that were not addressed in the Fiscal 2019 Executive Budget.

- Fund Priority 5 Child Care Vouchers.** The Council asked to baseline \$14.8 million for Priority 5 Child Care Vouchers for Fiscal 2019 and in the outyears, but no additional funding was added in the Fiscal 2019 Executive Budget. Priority 5 Child Care Vouchers are available to children on the ACS voucher waitlist. The only source of funding for these vouchers is through the City, and vouchers are only provided as long as there is City funding. In order to qualify for Priority 5 vouchers, family income must be at or below 200 percent of the State Income Standard and the child’s parent or guardian must be employed a minimum of 20 hours per week or enrolled in an approved educational/vocational training program. Children are only eligible for this voucher until age 13.
- Support Child Care Providers.** The Council requested additional funding to provide pay parity for early childhood educators as EarlyLearn transitions from ACS to the Department of Education (DOE) in Fiscal 2019. With the City about to establish a single early child care through high school public school system, the Council called for pay increases for teachers who work at ACS EarlyLearn childcare centers to levels commensurate with those paid to staff and teachers in DOE’s schools. The starting salary for DOE teachers with a Bachelor’s degree will be about \$57,000 beginning in June 2018, and for teachers with a Master’s degree it will be \$64,000. This is approximately \$15,000 more than the average salary of teachers with a Bachelor’s or Master’s degree employed by EarlyLearn centers (excluding Head Start). Across the early child care and education programs there are also wage disparities. Teachers in childcare centers with a universal pre-kindergarten contract earn more than their peers working in the same center but under an ACS EarlyLearn contract, which further exacerbates the disparities in pay parity between the two systems.

Despite the Council's call for this pay disparity across the public education system to be corrected during the EarlyLearn transition, no new funding was added in the Fiscal 2019 Executive Budget.

- **New Units of Appropriation.** The Council called for an overhaul of the City's expense budget structure to create U/As that correspond to actual program areas. As part of this, the Budget Response called for ACS to create a total of 14 U/As to align with ACS' seven key consolidated program areas in the Budget Function Analysis (BFA). Currently, ACS' budget has only eight U/As.

Other Budget Issues

- **EarlyLearn Transition from ACS to the Department of Education (DOE).** The transfer of EarlyLearn contracts for early childhood education from ACS to DOE is a major agency issue. When fully implemented, the transfer will include the handover of more than \$600 million for staff, services and contracts. The Fiscal 2019 Executive Budget transitioned \$296.8 million for EarlyLearn back to ACS from DOE, recognizing that the transition will not take place until February 2019, seven months later than initially planned. In a similar vein, a total of \$44.5 million in Universal Pre-Kindergarten funding was returned to ACS from DOE due to the delayed transfer start date for providers with an EarlyLearn contract. A total of 167 positions have also been added to ACS' headcount. Further budgetary modifications are anticipated in the Fiscal 2019 November and January Plans as planning details are refined.

The Council's concern, raised at the Fiscal 2019 Preliminary Budget hearing, that the federal government's delay in rebidding for Head Start contracts could impact the transfer date for the EarlyLearn transition, seem to have been warranted. Many details regarding the actual process for the transfer, beyond the timeline for the movement of funds, have not yet been shared. The total scale of the transition, including the number of children, families, providers and staff involved, as well as the short timeline, make the EarlyLearn transition a critical area of concern.

- **Preventive Referral Wait List.** A total of \$24.1 million was added in Fiscal 2018 and in the outyears to add conference facilitators, help reduce the preventive waitlist through additional office staffing, expand the Workforce Institute, increase children's center supports, and provide for borough-based coaching for Child Protective Specialist (CPS) managers and supervisors. A backlog in preventive referrals had led to delays in children and families receiving the targeted support services they needed in a timely manner. ACS reports that the additional funding has helped close the referral wait list but it should be monitored to ensure new staff are sufficient to accommodate any anticipated increases in ACS preventive service needs. As ACS works to improve its preventive service delivery, the continued existence of the uncapped 62 percent State reimbursement for preventive services is a welcome development.
- **Foster Care Task Force Recommendations.** In March 2018, ACS published the recommendations of its Interagency Foster Care Task Force, created following the enactment of Local Law 144 of 2016. The Task Force generated 16 recommendations that build upon the ACS' Foster Care Strategic Blueprint. The recommendations were clustered in five areas: Permanency; Education; Health and Mental Health; Housing; and Employment and Post-Secondary Education.

Also in March 2018, ACS announced that it was undertaking two of the initiatives outlined in the recommendations. The first initiative involved setting an enhanced target for the proportion of children in foster care placed with kin (that is, relatives or family friends) from the current level of 31 percent to 46 percent by end of Fiscal 2020. The second initiative aims to increase the number

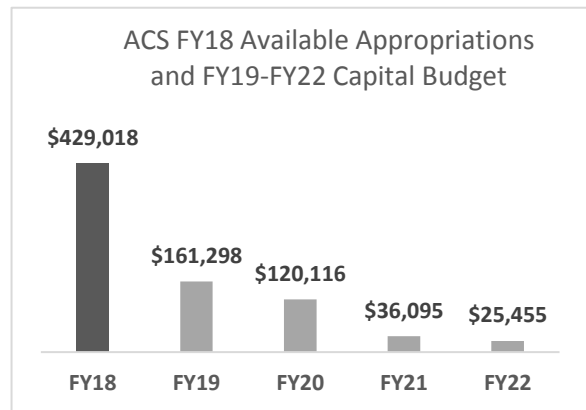
of youth in foster care connected to Department of Youth and Community Development (DYCD) academic and social enrichment programs and improve educational well-being outcomes.

Although it was anticipated during the Fiscal 2019 Preliminary Budget hearing that New Needs related to implementation of the Foster Care Task Force’s recommendations would appear in ACS’ Fiscal 2019 Executive Budget, no funding was added.

Capital Program

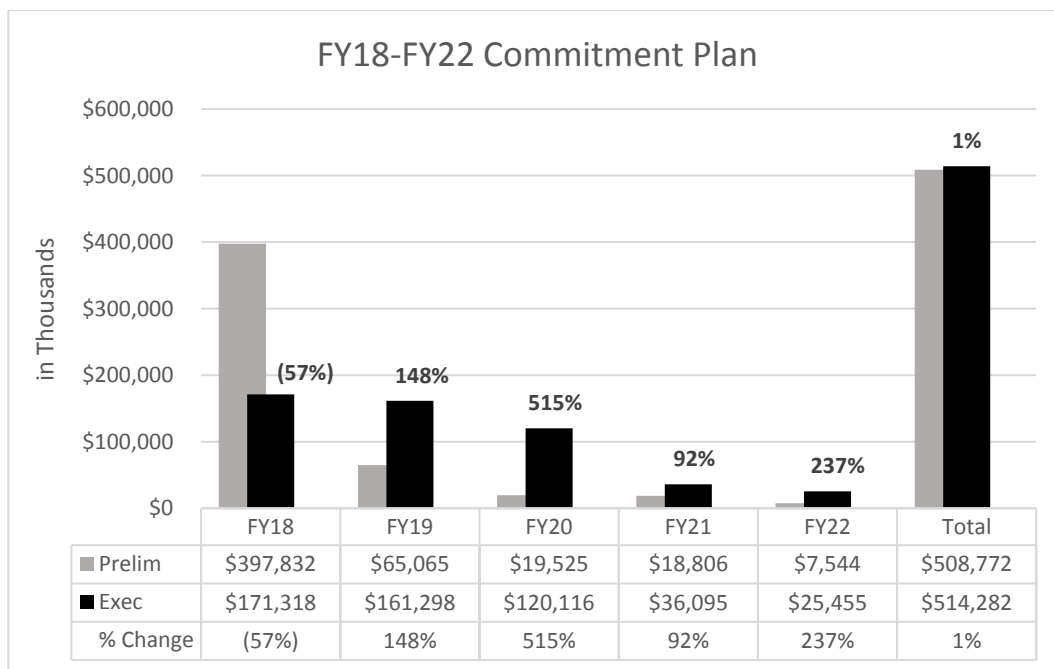
Fiscal 2019 Executive Capital Budget and Commitment Plan for Fiscal 2018-2022

ACS’ Fiscal 2019 Executive Capital Budget includes \$343 million in Fiscal 2019-2022, with \$161.3 million in Fiscal 2019.¹ This represents less than one percent of the City’s total \$65.1 billion Capital Budget for 2019-2022. Available appropriations for Fiscal 2018 total \$429 million.



Capital Commitment Plan

ACS’ Executive Commitment Plan includes \$514.3 million in Fiscal 2018-2022. This represents less than one percent of the City’s total \$82 billion Executive Commitment Plan. The chart below shows how ACS’ Executive Commitment Plan varies from its Preliminary Plan. Overall, the Plan leaves the five-year commitment total nearly unchanged, but moves more commitments into the outyears of the Plan period.



¹ The Capital Budget provides the required appropriations for Fiscal 2019 and planned appropriations for the subsequent three-year capital program. Appropriations represent the legal authority to spend capital dollars and are what the Council votes on at budget adoption.

The Council's Preliminary Budget Response called for OMB and ACS to more accurately reflect capital project timelines, and accordingly move funding to appropriate fiscal years. It is clear from the chart on the previous page that ACS' capital budget responds to the Council's call by not frontloading the capital commitment plan to the same extent.

The following capital projects had noteworthy changes in the Fiscal 2019 Executive Budget.

- **Juvenile Justice Facilities Renovations.** A total of \$20 million in additional funding was added to the Capital Commitment Plan and budgeted for Fiscal 2018 for citywide youth and family justice facilities renovations. ACS reports that this is intended for use at Horizon. This increase is associated with a parallel reduction of \$20 million from the Facility Renovations at Crossroads budget line.
- **Renovation of City-Leased Child Care Sites.** Funding totaling \$6.6 million was added for the renovation of city-leased child care sites, with the majority in Fiscal 2021 and Fiscal 2022.
- **Cancelled Purchase of 921 Hegeman.** Removal of \$6 million from the Capital Commitment Plan for the purchase of the child care site at 921 Hegeman in the East New York section of Brooklyn.
- **Network Servers.** An addition of \$1.5 million across the Capital Commitment Plan for information technology purchases and upgrades for ACS network servers.
- **Wi-Fi Access for ACS Sites.** A total of \$1.4 million added in Fiscal 2019 to improve Wi-Fi Access for ACS sites.

Appendix 1: Fiscal 2019 Budget Actions since Fiscal 2018 Adoption

<i>Dollars in Thousands</i>	FY 2018			FY 2019		
	City	Non-City	Total	City	Non-City	Total
ACS Budget as of the Adopted 2018 Plan	1,023,440	2,105,903	3,129,343	788,748	1,768,667	2,557,415
New Needs – Nov. 2018 and Prelim. 2019						
None	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal, New Needs	\$0	\$0	\$0	\$0	\$0	\$0
Other Adjustments – Nov. 2018 and Prelim. 2019						
Budget Modifications	\$0	\$1,630	\$1,630	\$0	\$0	\$0
City Service Corps (ACS)	(138)	0	(138)	0	0	0
Crossroads Supplemental Funding	0	3,523	3,523	0	0	0
CWE Child Care	0	3,829	3,829	0	0	0
Foster Care College Stipend (Non-CUNY)	0	1,700	1,700	0	1,700	1,700
Grants	0	622	622	0	130	130
Homemaking Intra City Transfer from HRA	0	6,074	6,074	0	6,074	6,074
Indirect Rates Modification	0	2,528	2,528	0	5,055	5,055
Member Item Reallocation	465	0	465	0	0	0
Nurse Family Partnership	872	0	872	0	0	0
Supervision and Treatment Services for Juveniles Funding and Rollover	2,490	4,063	6,553	0	0	0
Transfer of Cure Violence Funding	(150)	0	(150)	0	0	0
Workforce Institute	0	796	796	0	0	0
Subtotal, Other Adjustments	\$3,539	\$24,765	\$28,304	\$0	\$12,959	\$12,959
TOTAL, All Changes Nov. 2018 and Prelim. 2019	\$3,539	\$24,765	\$28,304	\$0	\$12,959	\$12,959
ACS Budget as of the Preliminary 2019 Plan	\$1,026,980	\$2,130,668	\$3,157,648	\$788,748	\$1,781,626	\$2,570,374
New Needs - Exec. 2019						
Cyber Command - Cybersecurity	\$0	\$0	\$0	\$227	\$0	\$227
Subtotal, New Needs	\$0	\$0	\$0	\$227	\$0	\$227
Other Adjustments - Exec. 2019						
City Service Corps (ACS)	(\$31)	\$0	(\$31)	(\$3)	\$0	(\$3)
DC37 Collective Bargaining	1	1	2	1	1	2
Discretionary Child Care	(392)	0	(392)	0	0	0
Early Care and Education Restructuring	0	0	0	138,761	158,066	296,828
Electric Vehicles	0	0	0	(28)	(40)	(68)
Enterprise Print Management	0	0	0	(100)	(143)	(243)
FY18 DCP Case Assignment Sys.	0	(297)	(297)	0	0	0
Heat, Light and Power	1,193	0	1,193	497	0	497
Lease Adjustment	0	0	0	2,139	3,078	5,217
Overtime Reduction	(230)	(330)	(560)	(918)	(1,321)	(2,239)
Phone Plan Review	0	0	0	(29)	(42)	(71)
Procurement Savings	0	0	0	(174)	(251)	(425)
Project Managers Assignment Differential	10	15	25	0	0	0
Raise the Age Implementation	0	0	0	46,375	4,953	51,328
Redeploy	0	0	0	(524)	(623)	(1,146)
Secure Placement Re-Estimate	0	0	0	(14,800)	0	(14,800)
Standardized Travel Plan	0	0	0	(4)	(6)	(11)
State Budget Impact: Close to Home	0	0	0	30,468	(30,468)	0
Teach For America	(215)	0	(215)	0	0	0
Universal Pre-Kindergarten IC	0	0	0	0	44,485	44,485
Vacancy Reductions	0	0	0	(2,747)	(2,747)	(5,493)
Subtotal, Other Adjustments	\$337	(\$612)	(\$275)	\$198,913	\$174,942	\$373,856
TOTAL, All Changes - Exec. 2019	\$337	(\$612)	(\$275)	\$199,140	\$174,942	\$374,083
ACS Budget as of the Fiscal 2019 Executive Plan	\$1,027,317	\$2,130,056	\$3,157,373	\$987,888	\$1,956,568	\$2,944,457