ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-31

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 19, 2007

Codification District of Columbia Official Code

2001 Edition

2007 Summer Supp.

West Group Publisher

To repeal, on an emergency basis, Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006 and Subtitle M of Title II of the Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007, to allow stakeholders to address potential unintended consequences arising from the enactment of changes to the condominium and cooperative conversion fee.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vacancy Conversion Fee Exemption Reinstatement Emergency Amendment Act of 2007".

Sec. 2. Subtitle M of Title II of the Fiscal Year 2007 Budget Support Act of 2006, effective March 2, 2007 (D.C. Act 16-476; 53 DCR 6899), is repealed as of March 2, 2007.

Note, § 42-3402.01

Sec. 3. Subtitle M of Title II of the Fiscal Year 2007 Budget Support Congressional Review Emergency Act of 2007, effective January 16, 2007 (D.C. Act 17-001; 54 DCR 1165), is repealed as of January 16, 2007.

Note, § 42-3402.10

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 19, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 19, 2007

Codification District of Columbia Official Code

2001 Edition

2007 Summer Supp.

West Group Publisher

To authorize, on an emergency basis, changes in solid waste disposal fees to be made by rulemaking and to establish a special account for solid waste disposal fees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Solid Waste Disposal Fee Emergency Amendment Act of 2007".

Sec. 2. Section 8-3:606(e)(iv) of the Solid Waste Regulations, effective July 25, 1989 (D.C. Law 8-16; 36 DCR 4157), is amended as follows:

(a) Subparagraph (B) is amended as follows:

(1) Strike the phrase "The proposed rules" and insert the phrase "Except as provided in subparagraph (B-i) of this paragraph, the proposed rules" in its place.

(2) Strike the phrase "anticipated incinerator repair costs" and insert the phrase "other anticipated costs attributable to the operation of the District's solid waste disposal facilities, including its solid waste transfer facilities" in its place.

(b) A new subparagraph (B-i) is added to read as follows:

"(B-i) Any change in the solid waste disposal fee established in accordance with the solid waste disposal fee-setting formula established pursuant to this act that is based on changes in fuel costs or other changes in the amounts paid by the District under a solid waste disposal contract that has been approved by the Council shall not be required to be submitted to the Council for review.".

Note, § 8-1015

Sec. 3. Solid Waste Disposal Fee Special Account.

(a) There is established within the General Fund of the District of Columbia the Solid Waste Disposal Fee Special Account, into which shall be deposited all solid waste disposal transfer fee and disposal fee revenues, less any recycling surcharge, owed and accruing to the District.

(b) The Solid Waste Disposal Fee Special Account shall be nonlapsing, and revenues deposited into it shall not revert to the General Fund of the District of Columbia at the end of any fiscal year, or at any other time, but shall be continually available for the uses and purposes

ENROLLED ORIGINAL

set forth in subsection (c) of this section, subject to authorization by Congress.

(c) The funds of the Solid Waste Disposal Fee Special Account shall be used to defray the expenses of operating, maintaining, and improving the District's solid waste transfer facilities, and to dispose of solid waste delivered to those facilities.

Sec. 4. Fiscal impact statement.

This Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council for the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 19, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-33

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 19, 2007

Codification District of Columbia Official Code

2001 Edition

2007 Summer Supp.

West Group Publisher

To amend Chapter 39 of Title 28 of the District of Columbia Official Code to eliminate the judicially-created exemption for nonprofit organizations, and to provide that actions brought by a person against a nonprofit organization may not be based on a transaction, interaction, or dispute not arising from the purchase or sale of consumer goods or services in the ordinary course of business; to amend the District of Columbia Nonprofit Corporation Act to clarify that nonprofit corporations are to be organized only for nonprofit purposes, to facilitate investigation by the Attorney General into whether nonprofit corporations are acting contrary to their authority or purposes, and to expressly authorize alternatives to corporate dissolution in cases involving nonprofit corporations that have exceeded or abused their authority or have acted contrary to their nonprofit purposes; and to amend the District of Columbia Charitable Solicitation Act to facilitate investigation by the Attorney General into suspected violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Nonprofit Organizations Oversight Improvement Amendment Act of 2007".

Sec. 2. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) Section 28-3901(a)(3) is amended to read as follows: **Note, § 28-3901**

"(3) "merchant" means a person, whether organized or operating for profit or for a nonprofit purpose, who in the ordinary course of business does or would sell, lease (to), or transfer, either directly or indirectly, consumer goods or services, or a person who in the ordinary course of business does or would supply the goods or services which are or would be the subject matter of a trade practice;".

(b) Section 28-3905(k) is amended by adding a new paragraph (5) to read as follows: **Note, § 28-3905**

"(5) An action brought by a person under this subsection against a nonprofit organization shall not be based on membership in such organization, membership services, training or credentialing activities, sale of publications of the nonprofit organization, medical or

ENROLLED ORIGINAL

legal malpractice, or any other transaction, interaction, or dispute not arising from the purchase or sale of consumer goods or services in the ordinary course of business.".

Sec. 3. The District of Columbia Nonprofit Corporation Act, approved August 6, 1972 (76 Stat. 266; D.C. Official Code § 29-301.01 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 29-301.04) is amended by striking the phrase "lawful purpose or purposes" and inserting the phrase "lawful, nonprofit purpose or purposes" in its place. Note, § 29-301.04

(b) Section 53 (D.C. Official Code § 29-301.53) is amended as follows:: Note, § 29-301.53

(1) Subsection (a) is amended to read as follows:

"(a) A court may order the involuntary dissolution of a corporation, place a corporation in receivership, impose a constructive trust on compensation paid to a corporation's director, officer, or manager, or grant other injunctive or equitable relief with respect to a corporation, in an action brought by the Attorney General in the name of the District of Columbia when the court finds by a preponderance of the evidence that:

"(1) The franchise of the corporation was procured through fraud;

"(2) The corporation has continued to exceed or abuse the authority conferred upon it by this act;

"(3) The corporation has failed for 90 days to appoint and maintain a registered agent as provided in this act;

"(4) The corporation has failed for 90 days after a change of its registered office or registered agent to deliver to the Mayor a statement of such change; or

"(5) The corporation has continued to act contrary to its nonprofit purposes.".

(2) Subsection (b) is amended as follows:

(A) Strike the phrase "before any action for the involuntary dissolution of a corporation shall be filed by the Mayor," and insert the phrase "before any action based on subsection (a) of this section shall be filed against a corporation by the Attorney General," in its place.

(B) Strike the phrase "the Mayor shall not file" and insert the phrase "the Attorney General shall not file" in its place.

(3) A new subsection (c) is added to read as follows:

"(c)(1) If the Attorney General, in the course of an investigation to determine whether to bring a court action under this section, has reason to believe that a person may have information, or may be in possession, custody, or control of documentary material, relevant to the investigation, the Attorney General may issue in writing and cause to be served upon the person, a subpoena or subpoenas requiring the person to give oral testimony under oath, or to produce records, books, papers, contracts, electronically-stored data and other documentary material for inspection and copying.

"(2) Information obtained pursuant to this authority to subpoena is not admissible in a later criminal proceeding against the person who provided the information.

"(3) The Attorney General may petition the Superior Court of the District of Columbia for an order compelling compliance with a subpoena issued pursuant to this authority to subpoena.".

Note, § 44-1712

Sec. 4. Section 13(c) of the District of Columbia Charitable Solicitation Act, approved July 10, 1957 (71 Stat. 281; D.C. Official Code § 44-1712(c)), is amended as follows:

(a) Designate the existing text as paragraph (1).

(b) New paragraphs (2), (3), and (4) are added to read as follows:

"(2) If the Attorney General, in the course of an investigation to determine whether to bring a court action under this section, has reason to believe that a person may have information, or may be in possession, custody, or control of documentary material, relevant to the investigation, the Attorney General may issue in writing and cause to be served upon the person, a subpoena or subpoenas requiring the person to give oral testimony under oath, or to produce records, books, papers, contracts, electronically-stored data and other documentary material for inspection and copying.

"(3) Information obtained pursuant to this authority to subpoena is not admissible in a later criminal proceeding against the person who provided the information.

"(4) The Attorney General may petition the Superior Court of the District of Columbia for an order compelling compliance with a subpoena issued pursuant to this authority to subpoena.".

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 19, 2007

ENROLLED ORIGINAL

Codification District of Columbia Official Code

2001 Edition

2007 Summer Supp.

West Group Publisher

AN ACT

D.C. ACT 17-34

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 19, 2007

To amend the Comprehensive Plan Amendment Act of 2006 to respond to findings by the National Capital Planning Commission and to make technical corrections.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Plan Response to NCPC Recommendations and Technical Corrections Act of 2007".

TITLE I - NCPC-RECOMMENDED AMENDMENTS TO D.C. LAW 16-300

Sec. 101. In response to the resolution adopted by the National Capital Planning Commission on February 1, 2007, which certified findings of federal interest impact of certain provisions of the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300; 54 DCR 924) ("District Elements of the Comprehensive Plan"), the Council, pursuant to section 203(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 779; D.C. Official Code § 1-2002(a)), amends the District Elements of the Comprehensive Plan as follows:

(1) The last sentence of Policy LU-3.3.1 (Chancery Encroachment in Low Density Areas) is amended to read as follows: "Discourage the location of new chanceries in any area that is essentially a residential use area, to the extent consistent with the Foreign Missions Act.".

(2) The last sentence of Action LU-3.3-A (Modifications to the Diplomatic Overlay Zone) is amended to read as follows: "The methodology and zoning map revisions should avoid concentration of chanceries in low density neighborhoods, to the extent consistent with the Foreign Missions Act.".

(3) The first sentence of Policy H-2.2.1 (Housing Conversion) is amended to read as follows: "Discourage the conversion of viable, quality housing units to non-residential uses, such as offices and hotels.".

(4) The first sentence of Policy NNW-1.1.7 (Loss of Housing) is amended to read as follows: "Strongly discourage the demolition of viable housing or the conversion of occupied housing units to non-residential uses, such as offices, hotels, and institutions.".

(5) The third and fourth paragraphs of section RCE-2.5 (Armed Forces Retirement Home/Irving Street Hospital Campus) are amended to read as follows:

"In 2001, the Secretary of Defense was authorized to sell, lease, or otherwise dispose of any property of the AFRH determined to be excess to the needs of the Home. The AFRH is in the process of developing a master plan for that purpose. While the District has limited jurisdiction over AFRH so long as it remains in federal use, consultation between local and federal officials is necessary on many redevelopment issues.

"The prospect of redevelopment creates exciting opportunities but also has raised community concerns about the scale of development, provisions for open space, traffic and environmental impacts, effects on visual and historic resources, and the compatibility of the development with the surrounding row house neighborhoods. The District will work closely with the federal government over the coming years to promote changes on the site that benefit the community, and to avoid land use conflicts, create community access and open space wherever feasible, and mitigate impacts on traffic and community character. As portions of the site are sold to the private sector, they should be subject to zoning and new Comprehensive Plan Map designations by the District.".

TITLE II - TECHNICAL CORRECTIONS TO D.C. LAW 16-300

Sec. 201. The Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300; 54 DCR 924), is amended as follows:

(a) Section 3 is amended as follows:

(1) Subsection (a) is amended by adding a new paragraph (17) to read as follows:

"(17) The date at the bottom right side of the map is changed from "November 2006" to December 2006", and the boxed text at the top of the map that reads "Reflects changes in "Response to Comments" dated November 14, 2006" is deleted.".

(2) Subsection (b) is amended to read as follows:

"(b) The District of Columbia Comprehensive Plan Generalized Policy Map, dated July 2006, is adopted and amended as follows:

"(1) The definition of Neighborhood Conservation Areas is amended by adding the following sentence to the end of the first paragraph of the definition:

"Neighborhood Conservation areas that are designated for Production, Distribution, and Repair uses on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided.".

"(2) The southern edge of the U Street "Main Street Mixed Use" area is shifted northward on the blocks between 14th and 17th Streets to show more clearly that this designation does not include the row houses on the north side of Caroline Street because both sides of Caroline Street are located within the "Conservation Area" designation.

"(3) The Legend for Land Use Changes (Federal) is amended as follows:

"(A) The first sentence of the third paragraph is amended to read as

follows:

"Federal lands where a change of land use is anticipated by 2025 are shown with a striped pattern.".

"(B) The last sentence of the third paragraph is deleted.

"(4) In the sixth line of the sixth paragraph in the text at the upper right side of the map under the heading Guidelines for Using this Map, strike the word "implementation" and insert the word "Implementation" in its place.

"(5) The inset map at the bottom right side of the map that shows Planning Area Boundaries is revised to conform with the correct boundaries and names as shown on the Area Elements Map (Map 1.1.) that is contained in Chapter 1 (Introduction) of the Comprehensive Plan for the National Capital: District Elements.

"(6) The "Status of this Map" narrative at the upper left side of the map is revised to indicate that the map was adopted by the Council on December 19, 2006 and to delete references to the July 2006 and 1998 maps.

"(7) The date at the bottom right side of the map is changed from "July 2006" to "December 2006".

(b) Section 8(b) is amended to read as follows: Note, § 2-1003

"(b) No District element or amendment of the Comprehensive Plan for the National Capital shall take effect until it has been reviewed by the National Capital Planning Commission as provided in section 2(a) of the National Capital Planning Act of 1952, approved June 6, 1924 (43 Stat. 463; D.C. Official Code § 2-1002(a)), and section 423 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 792; D.C. Official Code § 1-204.23).".

TITLE III - FISCAL IMPACT STATEMENT

Sec. 301. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE IV - EFFECTIVE DATE

Sec. 401. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
April 19, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-35

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 19, 2007

Codification District of Columbia Official Code

2001 Edition

2007 Summer Supp.

West Group Publisher

To amend, on a temporary basis, the Retail Service Station Act of 1976 to defer compliance with the divorcement provision with respect to jobbers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Service Station Clarification Temporary Amendment Act of 2007".

Note, § 36-302.02

Sec. 2. Section 3-102(c) of the Retail Service Station Act of 1976, effective April 19, 1977 (D.C. Law 1-123; D.C. Official Code § 36-302.02(c)), is amended to read as follows:

"(c) Any jobber in violation of subsections (a) or (b) of this subsection as of April 8, 2005, shall come into compliance by January 1, 2008.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Vincent C. Gray

Chairman
Council of the District of Columbia

Adrian Fenty

Mayor
District of Columbia
APPROVED
April 19, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-36

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 19, 2007

Codification District of Columbia Official Code

2001 Edition

2007 Summer Supp.

West Group Publisher

To amend, on a temporary basis, section 47-1803.03(b-2) of the District of Columbia Official Code to clarify that District of Columbia public charter school teachers are eligible for certain deductions for taxable years beginning in 2006 and to ensure that the deductions allowed by this amendment are allowed only to the extent the same expenses were not used by the taxpayer in computing federal adjusted gross income for the same taxable year under the Internal Revenue Code of 1986.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Quality Teacher Incentive Clarification Temporary Act of 2007".

Note, § 47-1803.03

Sec. 2. Section 47-1803.03(b-2) of the District of Columbia Official Code is amended to read as follows:

"(b-2)(1) An individual who has been a classroom teacher in a public school or public charter school in the District of Columbia for the entire year for which the individual is filing or for the entire year prior to the year for which the individual is filing and is approved for teaching by the District of Columbia Public Schools may deduct from gross income:

"(A) The amount the individual paid during the year for basic classroom materials and supplies necessary for teaching; provided, that the deduction shall not exceed $500 per year, per individual, whether the individual files individually or jointly; and

"(B) The amount the individual paid during the year as tuition and fees for post-graduate education, professional development, or state licensing examination and testing required for or related to improving teacher credentials or maintaining professional certification; provided, that the deduction shall not exceed $1,500 per year, per individual, whether the individual files individually or jointly.

"(2) The deductions under paragraphs (1)(A) and (B) of this subsection shall not be allowed to the extent the same expenses were claimed by the individual in computing federal adjusted gross income for the same taxable year under the Internal Revenue Code of 1986.".

ENROLLED ORIGINAL

Sec. 3. Applicability.
Section 2 shall apply as of January 1, 2006.

Sec. 4. Fiscal impact statement.
The Council adopts the March 5, 2007 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.
(b) This act shall expire after 225 days of its having taken effect.

Vincent C. Gray
Chairman
Council of the District of Columbia

Adrian Fenty
Mayor
District of Columbia
APPROVED
April 19, 2007

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-37

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 19, 2007

Codification District of Columbia Official Code

2001 Edition

2007 Summer Supp.

West Group Publisher

To amend, on a temporary basis, An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, to require the Board of Education to adopt uniform standards for the use of class exclusions as a disciplinary measure for students so as to provide a safe environment for all students while ensuring that out-of-school suspensions are not the primary method of discipline, and to require the Mayor to make resources available for support programs to reach students at their school during the class exclusion period, except for those students who may be a danger to the school's faculty, students, or others, to ensure that students meet the minimum attendance requirements of the act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Class Exclusion Standards Temporary Amendment Act of 2007".

Sec. 2. Article II of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Official Code § 38-202 *et seq.*), is amended by adding a new section 1a to read as follows:

"Sec. 1a. Establishment of standards for class exclusions and suspensions.

"(a) The Board of Education ("Board") shall adopt uniform disciplinary standards:

"(1) To determine when class exclusions will be the appropriate disciplinary measure for students;

"(2) To promote the education of students in the school, except for those students who may be a danger to the school's faculty, students, or others, where the student was placed prior to disciplinary action, and that prioritize consideration of the student's academic standing, the educational needs of the students, and the number of previous offenses.

"(b) The standards adopted under subsection (a) of this section shall include a progressive schedule of discipline which promotes the goal of in-class education for students subject to disciplinary action, beginning with in-class intervention strategies and ending with expulsion as the final and most extreme form of discipline, and to the extent consistent with this progressive schedule, it shall be the policy of the District of Columbia to prefer in-school disciplinary action, except for those students who may be a danger to the school's faculty,

ENROLLED ORIGINAL

students, or others.

"(c) The Board shall require a monthly report of disciplinary measures taken by each school regarding class exclusions and suspensions, including the rationale for the particular choice of discipline.

"(d) The Mayor shall provide for comprehensive inter-agency collaborative support programs, such as programs offered by the Department of Mental Health, the Department of Human Services, the Child and Family Services Agency, and the Department of Parks and Recreation, to assist the student subject to class exclusion at the school, except for those students who may be a danger to the school's faculty, students, or others, where the student was placed prior to the disciplinary action.

"(e) The Mayor shall make resources available to support the programs in subsection (d) of this section within the context of appropriated funds within the budget and financial plan.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.

Vincent C. Orange

Chairman
Council of the District of Columbia

Adrian M. Fenty

Mayor
District of Columbia
APPROVED
April 19, 2007

ENROLLED ORIGINAL

PUBLIC EDUCATION REFORM AMENDMENT ACT OF 2007

TITLE I. ESTABLISHMENT OF DISTRICT OF COLUMBIA PUBLIC SCHOOLS AGENCY
Sec. 101. Short title. 2
Sec. 102. District of Columbia Public Schools agency; establishment. 2
Sec. 103. Mayor's authority; rulemaking. 2
Sec. 104. Budget requirements of the District of Columbia Public Schools. 2
Sec. 105. Chancellor; appointment; duties. 3
Sec. 106. Transfers; continuation. 4
Sec. 107. Applicability. 4

TITLE. II. DEPARTMENT OF EDUCATION
Sec. 201. Short title. 4
Sec. 202. Department of Education; establishment; authority. 4
Sec. 203. Special education; reporting requirement. 5
Sec. 204. Evaluation and re-authorization. 5

TITLE III. STATE EDUCATION AGENCY FUNCTIONS AND RESPONSIBILITIES
Sec. 301. Short title. 6
Sec. 302. The State Education Office Establishment Act of 2000 Amendment 6
Sec. 303. The Adult Education Designation Amendment Act of 1998 9
Sec. 304. The Early Intervention Program Establishment Act of 2004 9
Sec. 305. Applicability. 10

TITLE IV. ESTABLISHMENT OF STATE BOARD OF EDUCATION
Sec. 401. Short title. 10
Sec. 402. State Board of Education; establishment; membership. 10
Sec. 403. Functions of the Board. 12
Sec. 404. Applicability. 13

TITLE V. INTERAGENCY COLLABORATION AND SERVICES INTEGRATION COMMISSION
Sec. 501. Short title.. 13
Sec. 502. Definitions. 13
Sec. 503. Purpose. 14
Sec. 504. Commission; establishment; authority. 15
Sec. 505. Duties. 15
Sec. 506. Membership. 17
Sec. 507. Administrative support. 18

ENROLLED ORIGINAL

Sec. 508. Applicability. 18

TITLE VI. EDUCATION OMBUDSMAN
Sec. 601. Short title.. 18
Sec. 602. Office of Ombudsman; establishment; term. 18
Sec. 603. Qualifications. 18
Sec. 604. Duties. 18
Sec. 605. Authority. 19
Sec. 606. Limitations; protections. 20
Sec. 607. Applicability. 21

TITLE VII. OFFICE OF PUBLIC EDUCATION FACILITIES MODERNIZATION
Sec. 701. Short title.. 21
Sec. 702. Office of Public Education Facilities Modernization; establishment. 21
Sec. 703. Director; appointment. 21
Sec. 704. Director; authority. 21
Sec. 705. Reporting requirement. 22

TITLE VIII. PUBLIC CHARTER SCHOOL ACCOUNTABILITY REFORM
Sec. 801. Short title.. 22
Sec. 802. The District of Columbia School Reform Act of 1995 22
Sec. 803. The Public Charter Schools Act of 1996 24
Sec. 804. Applicability 24

TITLE IX. CHARTER AMENDMENT REQUEST
Sec. 901. Short title.. 24
Sec. 902. The District of Columbia Home Rule Act 24
Sec. 903. Applicability. 24

TITLE X. CONFORMING AMENDMENTS
Sec. 1001. The District of Columbia Government Comprehensive Merit Personnel Act of 1978 24
Sec. 1002. The District of Columbia Procurement Practices Act of 1985 24
Sec. 1003. An Act To fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia 25
Sec. 1004. An Act To authorize appointment of public-school employees between meetings of the Board of Education 25
Sec. 1005. The District of Columbia Appropriations Act, 1995 25
Sec. 1006. The District of Columbia Board of Education School Seal Act of 1978 25
Sec. 1007. The Budget Support Act of 1995 26
Sec. 1008. The District of Columbia Public School Support Initiative of 1986 26

Sec. 1009. The School Based Budgeting and Accountability Act of 1998 26
Sec. 1010. The School Modernization Financing Act of 2006 26
Sec. 1011. Applicability. 29

TITLE XI. FISCAL IMPACT; EFFECTIVE DATE
Sec. 1101. Fiscal impact statement. 29
Sec. 1102. Effective date. 29

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-38

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 23, 2007

Codification District of Columbia Official Code

2001 Edition

2007 Fall Supp.

West Group Publisher

To establish the District of Columbia Public Schools as a cabinet-level agency subordinate to the Mayor, to create a Chancellor of the District of Columbia Public Schools, and to establish a Department of Education headed by a Deputy Mayor for Education; to amend the State Education Office Establishment Act of 2000 to change the name of the State Education Office to the Office of the State Superintendent of Education, and to transfer and assign state-level education agency functions to the State Superintendent of Education Office; to repeal the Adult Education Designation Amendment Act of 1998; to amend the Early Prevention Program Establishment Act of 2004 to provide that the Early Intervention Program shall be an office of and administered by the Office of the State Superintendent of Education; to establish a new State Board of Education; to create an Interagency Collaboration and Services Integration Commission to address the needs of at-risk children by reducing juvenile and family violence through a comprehensive integrated service delivery system; to create an Office of Ombudsman for Public Education to serve as a communication and problem-resolution mechanism for residents regarding issues related to public education; to create an Office of Public Education Facilities Modernization to manage school modernization projects; to amend the District of Columbia School Reform Act of 1995 to enable existing public charter schools authorized under the Public Charter Schools Act of 1996 to remain charters without a petition, to establish the Office of the State Superintendent of Education as an office of appeal of a denial of a public school charter, to require a performance review of a public charter school every 5 years, and to clarify that a chartering authority may revoke a school charter for insufficient academic performance; to repeal the Public Charter Schools Act of 1996; to amend the District of Columbia Home Rule Act to repeal section 452 regarding the District of Columbia Public Schools Budget and section 495 regarding the District of Columbia Board of Education; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978, the District of Columbia Procurement Practices Act of 1985, An Act To fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, An Act To authorize appointment of public-school employees between meetings of the Board of Education, the District of Columbia Appropriations Act, 1995, the District of Columbia Board of Education School Seal Act of 1978, the Budget Support Act of 1995, the District of Columbia Public School Support Initiative of 1986,

the School Based Budgeting and Accountability Act of 1998, and the School Modernization Financing Act of 2006 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Education Reform Amendment Act of 2007".

TITLE I. ESTABLISHMENT OF DISTRICT OF COLUMBIA PUBLIC SCHOOLS AGENCY

Sec. 101. Short title.

This title may be cited as the "District of Columbia Public Schools Agency Establishment Act of 2007".

Sec. 102. District of Columbia Public Schools agency; establishment.

Pursuant to section 404(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat.787; D.C. Official Code § 1-204.04(b)) ("Home Rule Act"), the Council establishes the District of Columbia Public Schools ("DCPS") as a separate cabinet-level agency, subordinate to the Mayor, within the executive branch of the District of Columbia government.

Sec. 103. Mayor's authority; rulemaking.

(a) The Mayor shall govern the public schools in the District of Columbia. The Mayor shall have authority over all curricula, operations, functions, budget, personnel, labor negotiations and collective bargaining agreements, facilities, and other education-related matters, but shall endeavor to keep teachers in place after the start of the school year and transfer teachers, if necessary, during summer break.

(b) The Mayor may delegate any of his authority to a designee as he or she determines is warranted for efficient and sound administration and to further the purpose of DCPS to educate all students enrolled within its schools or learning centers consistent with District-wide standards of academic achievement.

(c)(1) In accordance with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Mayor shall promulgate rules and regulations governing DCPS, including rules governing the process by which the Mayor and DCPS will seek and utilize public comment in the development of policy.

(2) Proposed rules shall be submitted to the Council for a 45-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

Sec. 104. Budget requirements of the District of Columbia Public Schools.

(a) The Mayor shall submit the budget for DCPS pursuant to section 442 of the Home Rule Act, along with a plan detailing the allocation of funds to each DCPS public school by program and activity level and comptroller source group.

(b) The Council may, following its review of the plan submitted pursuant to subsection (a) of this section, modify the funding and other resource levels, including full-time equivalent allocations, allocated by the plan to individual schools by a 2/3 majority vote of the Council.

(c) For fiscal year 2009, the Council may reallocate funds on a program level, but shall not make adjustments to activity costs within a program level; provided, that this restriction shall not apply to Special Education State, or any other local or state special education category the Mayor may designate.

(d) Beginning with fiscal year 2010, for each program level, the Mayor shall submit:

(1) Actual expenditures for the prior school year;

(2) Estimated expenditures for the current school year; and

(3) Projected expenditures for the following school year.

Sec. 105. Chancellor; appointment; duties.

(a) The DCPS shall be administered by a Chancellor, who shall be appointed pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)), and in accordance with subsection (b) of this section. The Chancellor shall:

(1) Be the chief executive officer of DCPS;

(2) Be qualified by experience and training for the position; and

(3) Serve at the pleasure of the Mayor.

(b)(1) Prior to the selection of a nominee for Chancellor, the Mayor shall:

(A) Establish a review panel of teachers, including representatives of the Washington Teachers Union, parents, and students ("panel") to aid the Mayor in his or her selection of Chancellor;

(B) Provide the resumes and other pertinent information pertaining to the individuals under consideration, if any, to the panel; and

(C) Convene a meeting of the panel to hear the opinions and recommendations of the panel.

(2) The Mayor shall consider the opinions and recommendations of the panel in making his or her nomination and shall give great weight to any recommendation of the Washington Teachers Union.

(c) The duties of the Chancellor shall include to:

(1) Organize the agency for efficient operation;

(2) Create offices within the agency, as necessary;

(3) Exercise the powers necessary and appropriate to operate the schools and school system and to implement applicable provisions of District and federal law;

(4) Communicate with the collective bargaining unit for the employees under his or her administration;

(5) Promulgate and implement rules and regulations necessary and appropriate to accomplish his or her duties and functions in accordance with section 103 and the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*);

(6) Obtain parental input as required by the No Child Left Behind Act of 2001, approved January 8, 2002 (Pub. L. No. 107-110; 115 Stat. 1425), and in accordance with the rules promulgated pursuant to this title;

(7) Hold public meetings, at least quarterly;

(8) Exercise, to the extent that such authority is delegated by the Mayor,:

(A) Personnel authority; and

(B) Procurement authority independent of the Office of Contracting and Procurement, consistent with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*);

(9) Maintain clean and safe school facilities; and

(10) Create and operate a District-wide database that records the condition of all school facilities under the control of DCPS, which database shall be updated as necessary, but at least once per calendar year.

Sec. 106. Transfers; continuation.

(a) All functions, authority, programs, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Board of Education, as the local education agency, established pursuant to section 495 of the Home Rule Act for the purpose of providing educational services to residents of the District of Columbia are transferred to the Mayor.

(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Board of Education and the District of Columbia Public Schools transferred to the Mayor under subsection (a) of this section shall continue in effect according to their terms until lawfully amended, repealed, or modified.

Sec. 107. Applicability.

This title shall apply upon Congressional enactment of Title IX.

TITLE. II. DEPARTMENT OF EDUCATION

Sec. 201. Short title.

This title may be cited as the "Department of Education Establishment Act of 2007".

Sec. 202. Department of Education; establishment; authority.

(a) Pursuant to section 404(b) of the Home Rule Act, the Council establishes a Department of Education, subordinate to the Mayor. The department shall be headed by a Deputy Mayor for Education, who shall be appointed pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

(b) The Department of Education shall:

(1) Have oversight of the:

(A) State Superintendent of Education Office;

(B) Office of Public Education Facilities Modernization;

(C) Office of Ombudsman for Public Education; and

(D) Development of a comprehensive, District-wide data system that integrates and tracks data across education, justice, and human service agencies.

(2) Be responsible for the planning, coordination, and supervision of all public education and education-related activities under its jurisdiction, including development and support of programs to improve the delivery of educational services and opportunities, from early childhood to the post-secondary education level; provided, that nothing in this title shall be interpreted to grant to the Mayor any authority over the University of the District of Columbia that is currently vested in the Board of Trustees of the University of the District of Columbia;

(3) Promote, coordinate, and oversee collaborative efforts among District government agencies to support education and child development as it relates to education, including coordinating the integration of programs and resources;

(4) Coordinate programs, policies, and objectives of the Mayor with the Board of Trustees of the University of the District of Columbia;

(5) Promote, coordinate, and oversee the enhancement and quality of workforce preparation programs within the State Superintendent of Education Office;

(6) Promote, coordinate, and oversee the enhancement and quality of adult literacy and adult education programs within the State Superintendent of Education Office; and

(7) Submit to the Mayor, Chancellor, State Board of Education, and the Council the reports required by section 604(14) and (15).

Sec. 203. Special education; reporting requirement.

Within 60 days of the effective date of this title, the Department of Education shall report to the Mayor and the Council on the status of:

(1) The Special Education Task Force, and the development of the Special Education Reform Plan, established pursuant to section 372 of the Special Education Task Force Establishment Act of 2003, effective November 13, 2003 (D.C. Law 15-39; D.C. Official Code § 38-2551); and

(2) The implementation of the recommendations adopted by the Board of Education pursuant to the resolution Adopting the Recommendations of the Ad Hoc Committee on Special Education White Paper and Other Recommendations to Improve the Delivery of Special Education Services within the District of Columbia Public Schools, effective March 13, 2006 (Board of Education resolution SR06-22).

Sec. 204. Evaluation and re-authorization.

(a)(1) Except as provided in subsection (b) of this section, the Mayor shall submit to the Council by September 15 of each year, beginning in 2008, projected benchmarks by which to measure annual achievements within District of Columbia Public Schools.

(2)(A) The Mayor shall submit to the Council by September 30 of each year, beginning in 2008, an annual evaluation of District of Columbia Public Schools that includes an assessment of:

(i) Business practices;
(ii) Human resources operations;
(iii) All academic plans; and
(iv) The annual achievements made as measured against the benchmarks submitted the previous year in accordance with paragraph (1) of this subsection, including a detailed description of student achievements.

(B) For the 2008 evaluation, for which benchmarks would not have been submitted in the prior year, the annual achievements shall be measured using existing, reliable data and that data shall be included, or an abstract thereof, in the evaluation.

(b) On September 15, 2012, in lieu of the annual evaluation required by subsection (a) of this section, the Mayor shall submit to the Council a 5-year assessment of the public education system established by this act, which shall include:

(1) A comprehensive evaluation of public education following the passage of this act; and

(2) A determination as to whether sufficient progress in public education has been achieved to warrant continuation of the provisions and requirements of this act or whether a new law, and a new system of education, should be enacted by the District government.

(c)(1) The evaluations required by this section shall be conducted by an independent evaluator that shall be recommended by the Mayor and submitted to the Council for approval by September 15, 2007, for a 30-day review period.

(2) If the Council does not approve or disapprove the recommendation, by resolution, within the 30-day review period, the recommendation shall be deemed disapproved.

(3) The evaluations required by this section may be conducted by the same independent evaluator for 5 consecutive years.

(4) For the purposes of this subsection, the term "independent evaluator" means an individual or entity that has neither a current contractual or employment relationship with the District government.

TITLE III. STATE EDUCATION AGENCY FUNCTIONS AND RESPONSIBILITIES

Sec. 301. Short title.

This title may be cited as the "Public Education State-Level Functions and State Education Agency Functions and Responsibilities Designation Amendment Act of 2007".

Sec. 302. The State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601 *et seq.*), is amended as follows:

Amend § 38-2601

(a) Section 2 (D.C. Official Code § 38-2601) is amended to read as follows:

(1) Subsection (a) is amended by striking the phrase "a State Education Office ("SEO")" and inserting the phrase "an Office of the State Superintendent of Education ("OSSE")" in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the acronym "SEO" and insert the acronym "OSSE" in it

place.

(B) Strike the phrase "State Education Officer ("Officer")" and insert the phrase "State Superintendent of Education ("State Superintendent")" in its place.

(3) New subsections (c) and (d) are added to read as follows:

"(c) The State Superintendent shall serve as the chief state school officer for the District of Columbia and shall represent the OSSE and the District of Columbia in all matters before the United States Department of Education and with other states and educational organizations.

"(d) All operational authority for state-level functions, except that delegated to the State Board of Education in section 403 of the Public Education Reform Amendment Act of 2007, passed on 2nd reading on April 19, 2007 (Enrolled version of Bill 17-1), shall vest in the Office of the State Superintendent of Education under the supervision of the State Superintendent of Education.".

(b) A new section 2a is added to read as follows:

"Sec. 2a. Duties.

"The Office of the State Superintendent of Education shall serve as the state education agency and perform the functions of a state education agency for the District of Columbia under applicable federal law, including grant-making, oversight, and state educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education.".

Amend § 38-2602

(c) Section 3(b) (D.C. Official Code § 38-2602(b)) is amended as follows:

(1) Paragraph (5) is amended by striking the word "and" at the end.

(2) Paragraph (6) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New paragraphs (7), (8), (9), (10), (11), (12), (13), (14), and (15) are added to read as follows:

"(7) Issue rules to establish requirements to govern acceptable credit to be granted for studies completed at independent, private, public, public charter schools, and private instruction;

"(8) Prescribe minimum amounts of instructional time for all schools, including public, public charter, and private schools;

"(9) Oversee the state-level functions and activities related to early childhood education programs, including the public education of the Early Intervention Services Program, in accordance with section 502 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 § 7-863.02);

"(10) Provide for the education of children in the custody of the Department of Youth Rehabilitation Services;

"(11) Formulate and promulgate rules necessary to carry out its functions, including rules governing the process for review and approval of state-level policies by the State Board of Education under section 403 of the Public Education Reform Amendment Act of 2007, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968, (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*);

"(12) Develop and adopt policies that come within the functions of state educational agencies under federal law, subject to the approval of the State Board of Education for those policies that are subject to board approval under section 403 of the Public Education Reform Amendment Act of 2007;

"(13) Conduct studies and pilot projects to develop, review, or test state policy;

"(14) Provide staff support to the State Board of Education to enable it to perform its functions as enumerated in section 403 of the Public Education Reform Amendment Act of 2007; and

"(15) Fulfill any other responsibilities consistent with the performance of the state-level education functions of the District of Columbia.".

(d) A new section 3a is added to read as follows:

"Sec. 3a. Transfer of state-level functions from the Board of Education.

"(a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the District of Columbia Board of Education that support state-level functions related to state education agency responsibilities and all powers, duties, and functions delegated to the District of Columbia Board of Education concerning the establishment, development, and institution of state-level functions related to state education agency responsibilities identified in section 3 are transferred to the Office of the State Superintendent of Education.

"(b) The transfer described in subsection (a) of this section shall be in accordance with section 7.".

"(e) A new section 6a is added to read as follows:

"Sec. 6a. Transition plan for transfer of state-level functions.

"(a) Within 90 days of the effective date of Title III of the Public Education Reform Amendment Act of 2007 ("Title III"), the Office of the State Superintendent of Education shall submit to the Mayor for approval a detailed transition plan, in accordance with section 7, for implementation of the transfers set forth in Title III, which shall begin within 30 days of approval; provided, that prior to completion and submission of the plan, the Mayor shall give notice of the contemplated action and an opportunity for a hearing for public comment on the plan, which shall:

"(1) Be formulated in consultation with the Board of Education, the District of Columbia Public Schools, the Public Charter School Board, the Washington Teachers Union, and with any relevant District and federal agencies;

"(2) Identify the authority and responsibility of each entity at each stage in the transition process;

"(3) Specify time lines, dates, and benchmarks for completion of the transfer;

"(4) Provide an estimate of the cost to the OSSE of carrying out each transferred function; and

"(5) Identify any factors with potential for disrupting services to students and recommend steps to prevent any possible disruption.

"(b) The Mayor shall forward the approved transition plan to the Council and the State

Board of Education for review.".

(f) Section 7a(a) (D.C. Official Code § 38-2607(a)) is amended by striking the phrase "State Education Office" and inserting the phrase "Office of the State Superintendent of Education" in its place.

(g) A new section 7b is added to read as follows:

"Sec. 7b. Supervision of adult education program.

"(a) The OSSE shall be the state agency responsible for supervision of adult education and adult literacy.

"(b) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the University of the District of Columbia that support state-level functions related to adult education or adult literacy and all of the powers, duties, and functions delegated to the University of the District of Columbia concerning the establishment, development, and institution of state-level functions related to adult education or adult literacy are transferred to the OSSE.

"(c) The transfer described in subsection (b) of this section shall be in accordance with section 7.

"(d) The Office of the State Superintendent of Education shall apply for federal funds as provided in the Adult Education Act, approved April 28, 1988 (102 Stat. 302; 20 U.S.C. § 1201 *et seq.*).

"(e)(1) Notwithstanding any other provision of law, the OSSE is authorized to establish fee rates for all adult education courses. The amount to be charged to each adult shall be fixed annually by the OSSE, which shall be the amount necessary to cover the expense of instruction, cost of textbooks and school supplies, and other operating costs associated with each course offered; provided, that the amount fixed is in accordance with section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-505). Following the adoption of the fee rates, the OSSE shall transmit a copy of the fee schedule to the Mayor and the Council.

"(2) All amounts received by the OSSE pursuant to this subsection shall be paid to the District of Columbia Treasurer and deposited in the General Fund of the District of Columbia in a segregated account to be available as a revenue source for the OSSE to fund select adult education courses for which fees will be charged.

"(3) Waivers, in whole or in part, of fees for select adult education courses may be granted by the OSSE.".

Repeal § 38-1202.12

Sec. 303. Section 212 of the Adult Education Designation Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-231; D.C. Official Code § 38-1202.12), is repealed.

Sec. 304. The Early Intervention Program Establishment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 7-863.01 *et seq.*), is amended as follows:

Amend § 7-863.03

(a) Section 503(a) (D.C. Official Code § 7-863.03(a)) is amended by striking the phrase "families. The Program will be administered and supervised by a lead agency designated by the

Mayor." and inserting the phrase "families, which shall be an office of and administered by the Office of the State Superintendent of Education." in its place.

(b) A new section 503a is added to read as follows:

"Sec. 503a. Transfer from Department of Human Services; continuation.

"(a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Human Services that support functions related to the responsibilities of the Early Care and Education Administration and the Early Intervention Program and all of the powers, duties, and functions delegated to the Department of Human Services concerning the establishment, development, and institution of functions related to the Early Intervention Program are transferred to the Office of the State Superintendent of Education, established by section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601) ("OSSE Act"). The transfer shall be implemented in accordance with the transition plan required by section 6a of the OSSE Act.

"(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Board of Education, the District of Columbia Public Schools, the Department of Human Services, or the University of the District of Columbia relating to functions transferred to the Office of the State Superintendent of Education under subsection (a) of this section shall remain in effect according to their terms until lawfully amended, repealed, or modified.".

Sec. 305. Applicability.

This title shall apply upon Congressional enactment of Title IX and inclusion of its effect in an approved budget and financial plan.

TITLE IV. ESTABLISHMENT OF STATE BOARD OF EDUCATION.

Sec. 401. Short title.

This title may be cited as the "State Board of Education Establishment Act of 2007".

Sec. 402. State Board of Education; establishment; membership.

(a)(1) There is established a State Board of Education ("Board") consisting of 9 members. Four members shall be appointed by the Mayor and confirmed by the Council. Five members shall be elected. Four of the 5 elected members shall be elected from the 4 school districts created pursuant to subsection (c) of this section. One member shall be elected at-large as the President of the Board.

(2) Upon enactment of Title IX, the members of the Board of Education established pursuant to section 495 of the Home Rule Act shall serve as the initial State Board of Education established by this title until noon, January 2, 2009.

(b) Beginning at 12:01 p.m. on January 2, 2009, the Board shall consist of 9 elected members. One member shall be elected from each of the 8 school election wards created pursuant to section 2 of the Boundaries Act of 1975, effective December 16, 1975 (D.C. Law 1-

38; D.C. Official Code § 1-1011.01), and one member shall be elected at-large. The Board shall select its president from among the 9 members of the Board.

(c) The 4 school districts for the election of Board members, as described in subsection (a)(1) of this section, shall be comprised of the 8 election wards created pursuant to section 2 of the Boundaries Act of 1975, effective December 16, 1975 (D.C. Law 1-38; D.C. Official Code § 1-1011.01), as follows:

(1) Wards 1 and 2 shall comprise School District I;

(2) Wards 3 and 4 shall comprise School District II;

(3) Wards 5 and 6 shall comprise School District III; and

(4) Wards 7 and 8 shall comprise School District IV.

(d)(1) Except as provided in paragraph (3)(B) of this subsection, the term of office of a member of the Board, including the at-large member, shall be 4 years.

(2) Members may receive compensation at a rate fixed by the Council, which shall not exceed the amount provided for in section 1110 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, approved March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.10).

(3)(A) The term of office of a member elected in a general election shall commence at 12:01 p.m. on January 2 of the year following the election. The term of office of an incumbent member shall expire at noon, January 2 of the year following the general election.

(B) The initial terms of the members of the Board elected in the general election in November 2008 shall be as follows:

(i) The 4 members elected from Wards 1, 3, 5, and 6 shall serve 2- year terms, ending at noon, January 2, 2011.

(ii) The 4 members elected from Wards 2, 4, 7, and 8 and the member elected at-large shall serve 4-year terms, ending at noon, January 2, 2013.

(e)(1) Each member of the Board, including the at-large member, shall:

(A) Be a qualified elector, as that term is defined in section 2 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.02), in the school election ward from which he seeks election;

(B) Have resided in the ward from which he or she is nominated for one year immediately preceding the election;

(C) Not hold another elective office, other than delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice-President of the United States; or

(D) Not be an officer or employee of the District of Columbia government or of the Board.

(2) A member shall forfeit his or her office upon failure to maintain the requirements of this subsection.

(f) The election of the members of the Board shall be conducted on a nonpartisan basis and in accordance with the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*) ("Election Code Act").

(g) If a member of the Board dies, resigns, or otherwise becomes unable to serve or a

member-elect fails to take office, the vacancy shall be filled as provided in section 10(e) and (g) of the Election Code Act.

Sec. 403. Functions of the Board.

(a) The Board shall:

(1) Advise the State Superintendent of Education on educational matters, including:

(A) State standards;

(B) State policies, including those governing special, academic, vocational, charter, and other schools;

(C) State objectives; and

(D) State regulations proposed by the Mayor or the State Superintendent of Education;

(2) Approve state academic standards, following a recommendation by the State Superintendent of Education, ensuring that the standards recommended by the State Superintendent of Education:

(A) Specify what children are expected to know and be able to do;

(B) Contain coherent and rigorous content;

(C) Encourage the teaching of advanced skills; and

(D) Are updated on a regular basis;

(3) Approve high school graduation requirements;

(4) Approve standards for high school equivalence credentials;

(5) Approve a state definition of:

(A) "Adequate yearly progress" that will be applied consistently to all local education agencies;

(B) And standards for "highly qualified teachers," pursuant to the No Child Left Behind Act of 2001, approved January 8, 2002 (115 Stat. 1425; 20 U.S.C. § 6301 *et seq.*) ("NCLB Act"); and

(C) "Proficiency" that ensures an accurate measure of student achievement;

(6) Approve standards for accreditation and certification of teacher preparation programs of colleges and universities;

(7) Approve the state accountability plan for the District of Columbia developed by the chief state school officer, pursuant to the NCLB Act, ensuring that:

(A) The plan includes a single statewide accountability system that will ensure all local education agencies make adequate yearly progress; and

(B) The statewide accountability system included in the plan is based on academic standards, academic assessments, a standardized system of accountability across all local education agencies, and a system of sanctions and rewards that will be used to hold local education agencies accountable for student achievement;

(8) Approve state policies for parental involvement;

(9) Approve state policies for supplemental education service providers operating in the District to ensure that providers have a demonstrated record of effectiveness and offer services that promote challenging academic achievement standards and that improve student achievement;

(10) Approve the rules for residency verification;

(11) Approve the list of charter school accreditation organizations;

(12) Approve the categories and format of the annual report card, pursuant to NCLB Act;

(13) Approve the list of private placement accreditation organizations, pursuant to the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*);

(14) Approve state rules for enforcing school attendance requirements; and

(15) Approve state standards for home schooling.

(b) The Board shall conduct monthly meetings to receive citizen input with respect to issues properly before it, which may be conducted at a location in a ward.

(c) The Board shall consider matters for policy approval upon submission of a request for policy action by the State Superintendent of Education within a review period requested by the Office of the State Superintendent of Education.

(d) The Mayor shall, by order, specify the Board's organizational structure, staff, budget, operations, reimbursement of expenses policy, and other matters affecting the Board's functions.

(e) For the purposes of this section, the term "state" means District-wide and similar to functions, policies, and rules performed by states on a state-wide basis.

Sec. 404. Applicability.

This title shall apply upon Congressional enactment of Title IX.

TITLE V. INTERAGENCY COLLABORATION AND SERVICES INTEGRATION COMMISSION

Sec. 501. Short title.

This title may be cited as the "Interagency Collaboration and Services Integration Commission Establishment Act of 2007".

Sec. 502. Definitions.

For the purposes of this title, the term:

(1) "Commission" means the Interagency Collaboration and Services Integration Commission established by section 504.

(2) "Comprehensive, multi-disciplinary assessment" means an assessment of children to determine the extent to which they are affected by risk and protective factors as individuals and as members of families, communities, and schools, and the extent to which they

have service needs resulting from emotional disturbance, substance abuse, exposure to violence, or learning disabilities.

(3) "Evidence-based program" means a program that:

(A) Has been affirmatively evaluated by an independent agency with demonstrated expertise in evaluation;

(B) Demonstrates effectiveness in accomplishing its intended purposes and yields statistically significant supporting data; and

(C) Has been replicated in other communities with a level of effectiveness comparable to that indicated in the evaluation required by subparagraph (A) of this paragraph;

(4) "Integrated service plan" means a service plan that promotes delivery of services that are, to the fullest extent possible, comprehensive, implemented without interruption, and free from duplication or redundancy.

(5) "Risk and protective factors" means a circumstance or set of circumstances that assist in determining whether an individual is at risk of harm, emotional, physical, or otherwise; and

(6) "School-based clinician" means a healthcare or social-services practitioner, a mental-health professional, or substance abuse counselor certified or licensed in his or her field by the Director of the Department of Health or another nationally recognized professional organization, qualified to conduct comprehensive, multi-disciplinary assessments.

Sec. 503. Purpose.

The purpose of the Commission is to address the needs of at-risk children by reducing juvenile and family violence and promoting social and emotional skills among children and youth through the oversight of a comprehensive integrated service delivery system that includes:

(1) Comprehensive, multi-disciplinary assessments of children by school-based clinicians;

(2) Authority over a management information system that enables the inter-agency exchange of information and protects families' privacy rights;

(3) Facilitation of resource sharing and inter-agency collaboration on multi-disciplinary projects;

(4) Development and implementation of proven, evidence-based preventive and interventive programs for children and families by educational, law enforcement, mental health, and social services agencies;

(5) Development of integrated service plans for individual children and families that promote the delivery of services that are comprehensive, implemented without interruption, and free from duplication or redundancy; and

(6) Independent evaluation of the effectiveness of the programs developed pursuant to, or in accordance with, this title, including:

(A) Their impact on academic performance, levels of violence by and against children, truancy, and delinquency;

(B) The cost effectiveness of the programs, taking into account such factors as reductions, or potential reductions, in out-of-home placements and law enforcement expenditures; and

(C) The extent to which the Commission has developed the capacity to sustain the programs and activities.

Sec. 504. Commission; establishment; authority.

(a) There is established an Interagency Collaboration and Services Integration Commission.

(b) Unless expressly prohibited in law or regulation, the Commission shall have the authority to:

(1) Combine local, federal, and other resources available to the participating education, law enforcement, and human services agencies to provide comprehensive multi-disciplinary assessments, integrated services, and evidence-based programs, as required by this title;

(2) Apply for, receive, and disburse federal, state, and local funds relating to the duties and responsibilities of the Commission;

(3) Utilize the funding provided pursuant to the Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, effective March 2, 2007 (D.C. Law 16-192; 53 DCR 6899);

(4) Exercise personnel authority for all employees of the Commission, consistent with the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*); and

(5) Exercise procurement authority, consistent with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*) ("PPA"); except, that the provisions of section 105(a), (b), (c), and (e) of the PPA shall not apply.

Sec. 505. Duties.

(a) Within 90 days of the applicability of this title, the Commission shall:

(1) Develop an information-sharing agreement that:

(A) Adheres to all applicable provisions of federal and District law and professional standards regarding confidentiality, including Commission procedures and protocols for safeguarding confidential and other child-related information;

(B) Uses a form created by the Commission for obtaining consent to assessment and disclosure of confidential information from a participant or the parent or legal guardian of the participant to education, law enforcement, and human service agencies; and

(C) Permits Commission personnel to collect information from agencies participating in the agreement to facilitate comprehensive multi-disciplinary assessments and the development and implementation of integrated service plans;

(2) Develop procedures and protocols for safeguarding confidential and other participant-related information, documents, files, electronic communications, and computer data, including:

(A) Procedures for determining when a fully informed and written consent to assessment and disclosure of confidential information is provided by a participant or the parent or legal guardian of the participant; and

(B) The circumstances and manner in which confidential information collected and maintained by designated personnel of the Commission may be disclosed, as permitted by applicable provisions of local and federal law, to:

(I) Other personnel of the Commission for the exclusive purposes of conducting comprehensive, multi-disciplinary assessments of children or creating and implementing integrated service plans for children; and

(ii) Education, law enforcement, human service agencies, or other service providers identified in the disclosure consent for the exclusive purpose of creating and implementing integrated service plans; and

(3) Identify a comprehensive, multi-disciplinary assessment instrument that shall be used by school-based clinicians to:

(A) Determine the extent to which children are affected by risk and protective factors as individuals and as members of families, communities, and schools;

(B) Determine the extent to which children have service needs resulting from emotional disturbance, substance abuse, exposure to violence, or learning disabilities;

(C) Provide therapeutic interventions; and

(D) Assist in the development of integrated service plans;

(b)(1) All programs shall be evidence-based, age-appropriate, and implemented to serve children and their families and shall include:

(A) Early childhood psycho-social and emotional development assistance;

(B) School-based violence and substance abuse prevention;

(C) Social and emotional learning assistance;

(D) Family resiliency and strengthening assistance; and

(E) Services that are designed to reduce local reliance on out-of-home placement of children under the age of 18.

(2) The Commission shall determine the extent to which the District has preventive and early interventive evidence-based programs that already meet some or all of the requirements of paragraph (1) of this subsection and assist education, law enforcement, and human service agencies in the implementation of needed preventive and early interventive programs for children and their families.

(c) The Commission shall:

(1) Have authority over an interagency database housed in a secure location to store assessment information, data gathered pursuant to the information-sharing agreement described in subsection (a) of this section, and any other data relevant to service integration and the ongoing assessment of programs implemented or supported by the Commission;

(2) Conduct an annual independent evaluation of the effectiveness of the programs supported, facilitated, or overseen by the Commission, including:

(A) The impact on academic performance, levels of violence by and against children, truancy, and delinquency; and

(B) The cost effectiveness of the programs, taking into account such factors as reductions, or potential reductions, in out-of-home placements and in law enforcement expenditures, and the extent to which the Commission's member agencies have developed the capacity to sustain the programs and activities; and

(3)(A) Report, on an annual basis, within 90 days after the end of the fiscal year, to the Mayor and the Council on the status and progress of the objectives of the Commission, including the results of the evaluation required by paragraph (2) of this subsection and any recommendations made by the Commission to the public, the Mayor, or the Council.

(B) In calendar year 2012, the evaluation required by paragraph (2) of this subsection shall also be included in the assessment required by section 204(b).

Sec. 506. Membership.

(a) The Commission shall include the:

(1) Mayor, who shall serve as Chair;
(2) Chairman of Council of the District of Columbia;
(3) Chair of the Committee on Human Services;
(4) Chief Judge, Family Court, Superior Court of the District of Columbia;
(5) Deputy Mayor for Education;
(6) City Administrator;
(7) State Superintendent of Education;
(8) Chancellor of the District of Columbia Public Schools;
(9) Chair of the Public Charter School Board;
(10) Director of the Department of Human Services;
(11) Director of the Child and Family Services Agency;
(12) Director of the Department of Youth Rehabilitation Services;
(13) Director of the Department of Corrections;
(14) Director of the Department of Health;
(15) Director of the Department of Mental Health;
(16) Chief of the Metropolitan Police Department;
(17) Director of the Court Social Services Agency;
(18) Attorney General for the District of Columbia;
(19) Director of the Criminal Justice Coordinating Council;
(20) Director of the Department of Parks and Recreation; and
(21) Director of the District of Columbia Public Library.

(b) The Mayor, by order, may appoint additional members to the Commission, as necessary.

Sec. 507. Administrative support.

The Commission may hire staff and obtain equipment, supplies, materials, and services necessary to carry out the functions of the Commission.

Sec. 508. Applicability.

This title shall apply upon Congressional enactment of Title IX.

TITLE VI. EDUCATION OMBUDSMAN

Sec. 601. Short title.

This title may be cited as the "Ombudsman for Public Education Establishment Act of 2007".

Sec. 602. Office of Ombudsman; establishment; term.

(a)(1) There is established within the Department of Education an Office of Ombudsman for Public Education ("Office of Ombudsman"), which shall be headed by an Ombudsman appointed by the Mayor and confirmed by the Council in accordance with paragraph (2) of this subsection.

(2) The Mayor shall submit a nomination for Ombudsman to the Council for a 45-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination, by resolution, within this 45-day review period, the nomination shall be deemed approved.

(b) If a vacancy in the position of Ombudsman occurs as a consequence of resignation, disability, death, or other reason other than expiration of term, the Mayor shall appoint a replacement to fill the unexpired term in the same manner as provided in subsection (a) of this section; provided, that the Mayor shall submit the nomination to the Council within 30 days after the occurrence of the vacancy.

(c) The Ombudsman shall serve for a term of 3 years, and may be reappointed.

Sec. 603. Qualifications.

The Ombudsman shall:

(1) Be appointed without regard to party affiliation;

(2) Be appointed on the basis of integrity;

(3) Possess a demonstrated ability to analyze issues and matters of law, administration, and policy;

(4) Possess experience in the field of social work, counseling, mediation, law, policy, or public administration or auditing, accounting, or other investigative field; and

(5) Have management experience that demonstrates an ability to hire and supervise qualified staff.

Sec. 604. Duties.

(a) The Ombudsman shall:

(1) Provide outreach to residents and parents, and to further this purpose, have the cooperation of all individuals within the public school system;

(2) Encourage communication between residents and the Mayor regarding all levels of public education;

(3) Serve as a vehicle for citizens to communicate their complaints and concerns regarding public education through a single office;

(4) Respond to complaints and concerns in a timely fashion with accurate and helpful information;

(5) Receive complaints and concerns from parents, students, teachers, and other District residents concerning public education, including personnel actions, policies, and procedures;

(6) Determine the validity of any complaint quickly and professionally;

(7) Examine and address valid complaints and concerns;

(8) Generate options for a response, and offer a recommendation among the options;

(9) Make a referral to the pertinent school official, when appropriate;

(10) Identify systemic concerns raised by citizens, or otherwise received, related to public education;

(11) Maintain a database that tracks complaints and concerns received according to various categories, including school level and location;

(12) Submit to the Deputy Mayor for Public Education and the Chairman of the Council, on a monthly basis, an analysis of the preceding month, including complaint and resolution data;

(13) Recommend policy changes, staff training, and strategies to improve the delivery of public education services;

(14) Systemically track complaints and concerns, and periodically analyze the data and report to the Deputy Mayor for Education patterns of complaints and concerns that suggest a need for a policy change, staff training, or the implementation of strategic action to address an issue; and

(15) Within 90 days of the end of each school year, submit to the Deputy Mayor for Education a report analyzing the work of the previous year, including an analysis of the types, and number, of:

(A) Inquiries;

(B) Complaints and concerns resolved informally;

(C) Complaints and concerns examined;

(D) Examinations pending;

(E) Recommendations made; and

(F) Recommendations that were followed, to the extent that it can be determined.

Sec. 605. Authority.

The Ombudsman shall:

(1) Have access to books, records, files, reports, findings, and all other papers, items, or property belonging to or in use by all departments, agencies, instrumentalities, and employees of District of Columbia Public Schools ("DCPS") necessary to facilitate the purpose of this title, excluding the Executive Office of the Mayor, the Council, and the District of Columbia courts;

(2) Have full access to student educational records as allowed by federal and local law;

(3) Speak in regard to educational issues under the purview of the Office of Ombudsman with any official or employee within the public school system without the permission of the individual's supervisor;

(4) Examine an act or failure to act of any official or employee within the public school system;

(5) Determine which complaints and concerns warrant further examination;

(6) Examine any matter under the purview of the Office of Ombudsman absent a complaint;

(7) Forward to the Office of the Inspector General all complaints and concerns that require an audit or investigation of a school or a program, agency, or department within DCPS that falls within the purview of the Office of the Inspector General; and

(8) Forward to the Deputy Mayor for Education any policy recommendations that the Ombudsman determines would be helpful to prevent and detect corruption, mismanagement, waste, fraud, and abuse within DCPS.

Sec. 606. Limitations; protections.

(a) The Ombudsman shall not:

(1) Disclose personally identifiable information regarding a student without the specific written consent of the student or parent, as required by federal and local law;

(2) Disclose the substance of a conversation with any teacher or other official or employee within the public school system without consent;

(3) Disclose the identity of any person who brings a complaint or provides information to the Ombudsman without the person's consent, unless the Ombudsman determines that disclosure is unavoidable or necessary to further the ends of an investigation;

(4) Have the authority to take any personnel action; or

(5) Examine the Executive Office of Mayor, the Council or its personnel, or the District of Columbia courts or its personnel.

(b) The Ombudsman shall not:

(1) Be compelled to testify in a legal or administrative proceeding regarding an Office of Ombudsman examination or to release information gathered during the course of an examination or investigation;

(2) Be held personally liable for the good faith performance of his or her responsibilities under this title, except that no immunity shall extend to criminal acts, or other acts that violate District or federal law; or

(3) Be subject to retaliatory action for the good faith performance of his or her responsibilities under this title.

Sec. 607. Applicability.

This title shall apply upon Congressional enactment of Title IX.

TITLE VII. OFFICE OF PUBLIC EDUCATION FACILITIES MODERNIZATION

Sec. 701. Short title.

This title may be cited as the "Office of Public Education Facilities Modernization Establishment Act of 2007".

Sec. 702. Office of Public Education Facilities Modernization; establishment.

(a) There is established within the executive branch of the government of the District of Columbia an Office of Public Education Facilities Modernization ("OFM"), which shall be headed by a Director.

(b) The OFM shall have independent procurement and personnel authority. The OFM shall promulgate rules to implement this authority. The proposed rules for procurement and for personnel shall be submitted to the Council for a 45-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

(c) The OFM shall be funded annually out of the Public School Capital Improvement Fund ("Fund"), established by the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.01 *et seq.*)("School Modernization Financing Act").

Sec. 703. Director; appointment.

The Director of OFM shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)). The Director shall:

(1) Receive such compensation as determined by the Mayor; and

(2) Have extensive experience in construction project management.

Sec. 704. Director; authority.

The Director shall:

(1) Direct and supervise the administration and management of OFM;

(2) Have the authority to hire and fire personnel within OFM;

(3) Have the authority to manage the financial affairs of OFM;

(4) Consult regularly with the Chancellor, the Public School Modernization Advisory Committee, established by section 201 of the School Modernization Financing Act, and the State Superintendent of Education to ensure coordination throughout the school modernization process;

(5) Employ an architect to review designs;

(6) Direct and manage the modernization or new construction of District of Columbia Public Schools ("DCPS") facilities by approving and authorizing decisions at every stage of school modernization, including planning, design, procurement, and construction, in accordance with the Facilities Master Plan required by the School Modernization Financing Act; provided, that it shall not manage routine maintenance at DCPS facilities.

(7) In consultation with DCPS, seek amendments, if any, to the Facilities Master Plan necessary or desirable to improve the effectiveness of OFM and advance the purposes of this title;

(8) Enter into contracts and execute any instrument necessary or desirable to improve the effectiveness of OFM and advance the purposes of this title; and

(9) Comply with the requirements of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et. seq.)*, and the requirements of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*).

Sec. 705. Reporting requirement.

By December 1 of each year, beginning with 2008, OFM shall submit to the Mayor, the Council, the Public School Modernization Advisory Committee, and the Board of Education or State Board of Education, a report of all the activities of the OFM during the preceding fiscal year, including related financial statements and summaries of projects, the total amount of contract expenditures awarded to local, small, and disadvantaged business enterprises, and the number of employees who are District residents.

TITLE VIII. PUBLIC CHARTER SCHOOL ACCOUNTABILITY REFORM

Sec. 801. Short title.

This title may be cited as the "Public Charter Schools Accountability Reform Amendment Act of 2007".

Sec. 802. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1800.01 *et seq.*), is amended as follows:

Amend § 38-1802.01

(a) Section 2201 (D.C. Official Code § 38-1802.01) is amended by adding a new subsection (f) to read as follows:

"(f) *Existing public charter schools.*– A public charter school that existed prior to the effective date of the Public Charter Schools Accountability Reform Amendment Act of 2007, passed on 2nd reading on April 19, 2007 (Enrolled version of Bill 17-1), and that was chartered by the District of Columbia Board of Education pursuant to the Public Charter Schools Act of 1996, effective May 29, 1996 (D.C. Law 11-135, D.C. Official Code § 38-1701.01 *et seq.*), shall not be required to file a petition with the Public Charter School Board; it shall be considered approved and chartered for the purposes of this act and shall be subject to the powers and duties granted to the Public Charter School Board as an eligible chartering authority pursuant to sections 2211, 2212, and 2213. ".

Amend § 38-1802.03

(b) Section 2203(j)(2) (D.C. Official Code § 38-1802.03(j)(2)) is amended by striking the phrase "of Columbia." and inserting the phrase "of Columbia or by the Office of the State Superintendent of Education. In the case of review by the Office of the State Superintendent of Education, the Office of the State Superintendent of Education shall issue procedures for the submission and review of appeals." in its place.

Amend § 38-1802.04

(c) Section 2204(c) (D.C. Official Code § 38-1802.04(c)), is amended by adding new paragraphs (19) and (20) to read as follows:

"(19) *Participation in education data warehouse.*—A public charter school shall participate in the longitudinal education data warehouse system and shall provide data to the Office of the State Superintendent of Education upon request.

"(20) *Cooperation with the Office of Ombudsman for Public Education.* – A public charter school shall cooperate with the Office of Ombudsman for Public Education and shall comply with the disclosure protections of the Ombudsman for Public Education Establishment Act of 2007, passed on 2nd reading on April 19, 2007 (Enrolled version of Bill 17-1).".

Amend § 38-1802.12

(d) Section 2212(a)(3) (D.C. Official Code § 38-1802.12(a)(3)) is amended to read as follows:

"(3) *Review.*—An eligible chartering authority that grants or renews a charter pursuant to paragraph (1) or (2) of this subsection shall review the charter at least once every 5 years to determine whether the charter should be revoked for the reasons described in section 2213(a) or (b), in accordance with the procedures for revocation established under section 2213.

Amend § 38-1802.13

(e) Section 2213 (D.C. Official Code § 38-1802.13) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) *Charter or law violations; failure to meet goals.*—Using the record established by the chartering authority, an eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school:

"(1) Committed a violation of applicable law or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities; or

"(2) Has failed to meet the goals and student academic achievement expectations set forth in the charter.".

(2) Subsection (c)(5) is amended by striking the phrase "Board of Education" and inserting the phrase "eligible chartering authority" in its place.

Amend § 38-1802.14

(f) Section 2214 (D.C. Official Code § 38-1802.14) is amended as follows:

(1) Subsection (b)(3) is amended by striking the period at the end and inserting the phrase ", and all meetings of the Board shall be open to the public and shall provide a reasonable time during the meeting for public comment."in its place.

(2) A new subsection (i) is added to read as follows:

"(i) *Freedom of Information Act.* - The Board shall comply with all provisions of the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).".

(g) Section 2552 (D.C. Official Code § 38-1805.52) is amended by striking the phrase "Superintendent and Board of Education shall consult with the Mayor, the Council" and inserting the phrase "Mayor shall consult with the Council, the Director of the Office of Public Education Facilities Modernization," in its place. Amend § 38-1805.52

Sec. 803. The Public Charter Schools Act of 1996, effective May 29, 1996 (D.C. Law 11-135; D.C. Official Code § 38-1701.01 *et seq.*), is repealed. Repeal §§ 38-1701.01 - 38-1702.19

Sec. 804. Applicability.

Section 802 shall apply upon enactment by Congress.

TITLE IX. CHARTER AMENDMENT REQUEST

Sec. 901. Short title.

This title may be cited as the "District of Columbia Board of Education Charter Amendment Act of 2007".

Sec. 902. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*), is amended as follows:

(a) Section 452 (D.C. Official Code § 1-204.52) is repealed. Repeal § 1-204.52

(b) Section 495 (D.C. Official Code § 1-204.95) is repealed. Repeal § 1-204.95

Sec. 903. Applicability.

This title shall apply upon enactment by Congress.

TITLE X. CONFORMING AMENDMENTS

Sec. 1001. Section 301 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01), is amended as follows: Amend § 1-603.01

(a) Paragraph (m) is amended by striking the phrase "but not limited to, the District of Columbia Board of Education,".

(b) Paragraph (q) is amended as follows:

(A) Strike the word "and" at the end of paragraph (61).

(B) Strike the period at the end of paragraph (62) and insert the phrase "; and" in its place.

(C) A new paragraph (63) is added to read as follows:

"(63) District of Columbia Public Schools.".

Sec. 1002. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), is amended as follows:

(a) Section 104(d) (D.C. Official Code § 2-301.04(d)) is repealed. Amend § 2-301.04

Amend § 2-303.20

(b) Section 320 (D.C. Official Code § 2-303.20) is amended by adding a new subsection (r) to read as follows:

"(r) Notwithstanding section 105(a), (b), (c), and (e), the Mayor may designate the Chancellor of the District of Columbia Public Schools as the procurement authority for District of Columbia Public Schools, consistent with the other provisions of this act.".

Sec. 1003. An Act To fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, approved June 20, 1906 (34 Stat. 316; D.C. Official Code § 38-101 *et seq.*), is amended as follows:

Repeal § 38-101

(a) Section 2(a)-(f) (D.C. Official Code § 38-101) is repealed.

Repeal § 38-103

(b) Section 2(h) (D.C. Official Code § 38-103) is amended by striking the phrase "The Board of Education" and inserting the phrase "The Chancellor of the District of Columbia Public Schools" in its place.

Repeal § 38-105

(c) Section 3(1) (D.C. Official Code § 38-105) is repealed.

Repeal § 38-106

(d) Section 3(2) (D.C. Official Code § 38-106) is repealed.

Repeal § 38-156

(e) Section 14 (D.C. Official Code § 38-156) is amended by striking the phrase "The Board of Education, upon the approval of the Mayor, and with the consent of the Council by resolution," and inserting the phrase "The Mayor, with the consent of the Council by resolution," in its place.

Amend § 38-131

Sec. 1004. Section 1 of An Act To authorize appointment of public-school employees between meetings of the Board of Education, approved April 22, 1932 (47 Stat. 134; D.C. Official Code § 38-131), is amended to read as follows:

"Sec. 1. Provisional duties of the Chancellor.

"The Chancellor of the District of Columbia Public Schools is authorized to accept the resignation or the application for retirement of any employee, to grant leave of absence to any employee, to extend or terminate any temporary appointment, and to make all changes in personnel and appointments growing out of such resignation, retirement, leave of absence, termination of temporary appointment, or caused by the decease or suspension of any employee.".

Amend § 38-154

Sec. 1005. Section 143 of the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (108 Stat. 2594; D.C. Official Code § 38-154), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Hereafter, the Board of Education" and inserting the phrase "The Chancellor" in its place.

(b) Subsection (d)(1) is amended as follows:

(1) Strike the phrase "Board of Education of the District of Columbia" and insert the word "Mayor" in its place.

(2) Strike the phrase "Congress, and to the Mayor and Council" and insert the phrase "Congress and to the Council" in its place.

Sec. 1006. Section 2 of the District of Columbia Board of Education School Seal Act of

1978, effective August 2, 1978 (D.C. Law 2-96; D.C. Official Code § 38-155), is amended by striking the phrase "The Board of Education of the District of Columbia" and inserting the phrase "The Mayor" in its place.

Amend § 38-155

Sec. 1007. Section 1203 of the Budget Support Act of 1995, effective March 5, 1996 (D.C. Law 11-98; D.C. Official Code § 38-157), is amended as follows:

Amend § 38-157

(a) Strike the phrase "District of Columbia Board of Education" wherever it appears and insert the phrase "District of Columbia Public Schools" in its place.

(b) Strike the word "Superintendent"and insert the word "Chancellor" in its place.

Sec. 1008. Section 3 of the District of Columbia Public School Support Initiative of 1986, effective February 17, 1988 (D.C. Law 7-68; D.C. Official Code § 38-917), is amended as follows:

Amend § 38-917

(a) Strike the phrase "District of Columbia Board of Education" both times it appears and insert the phrase "Chancellor" in its place.

(b) Strike the phrase "Board of Education" wherever its appears and insert the phrase "Chancellor" in its place.

Sec. 1009. Section 1104 of the School Based Budgeting and Accountability Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2803), is amended as follows:

Amend § 38-2803

(a) Subsection (a) is amended by striking the phrase "June 30, 2006" and inserting the phrase "June 1, 2007" in its place.

(b) Subsection (b)(1) is amended by striking the phrase "Board of Education" and inserting the phrase "District of Columbia Public Schools" in its place.

(c) Subsection (c) is amended striking the phrase "Superintendent and Board of Education shall consult with the Mayor, the Council," and inserting the phrase "Mayor shall consult with the Council, the Director of the Office of Public Education Facilities Modernization," in its place.

(d) Subsection (d) is amended by striking the phrase "Board of Education" and inserting the word "Mayor" in its place.

Sec. 1010. The School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-2971.01) is amended as follows:

Amend § 38-2971.01

(1) Subsection (a) is amended by striking the phrase "District of Columbia Public Schools capital budget" and inserting the phrase "Office of Public Education Facilities Modernization" in its place.

(2) Subsection (d) is amended striking the phrase "that are requested by the Board of Education to the Board of Education through the District of Columbia Public Schools capital budget" and inserting the phrase "to the Office of Public Education Facilities Modernization" in its place.

(3) Subsection (e) is amended by striking the phrase "District of Columbia Public Schools" and inserting the phrase "Office of Public Education Facilities Modernization" in its place.

(b) Section 102 (D.C. Official Code § 38-2971.02) is amended by striking the phrase in the heading "District of Columbia Public School" and inserting the phrase "Office of Public Education Facilities Modernization" in its place. Amend § 38-2971.02

(c) Section 103 (D.C. Official Code § 38-2971.03) is amended as follows: Amend § 38-2971.03

(1) Subsection (a)(1) is amended as follows:

(A) Strike the phrase "Board of Education" and insert the phrase "Office of Public Education Facilities Modernization" in its place.

(B) Strike the phrase "District of Columbia Public Schools" and insert the phrase "Office of Public Education Facilities Modernization" in its place.

(C) Strike the phrase "modernization of public school facilities" and insert the phrase "modernization of public school facilities and to pay for the budget and administrative costs of the Office of Public Education Facilities Modernization" in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase "Board of Education" and insert the phrase "Office of Public Education Facilities Modernization" in its place.

(B) Strike the phrase "in accordance with" and insert the phrase "to fund the Office of Public Education Facilities Modernization and to modernize District of Columbia Public Schools in accordance with" in its place.

(3) Subsection (c) is amended by striking the phrase "Board of Education through the District of Columbia of Columbia Public Schools capital budget" and inserting the phrase "Office of Public Education Facilities Modernization" in its place.

(4) Subsection (d) is amended by striking the phrase "the Board of Education" and inserting the phrase "Secretary to the Council of the District of Columbia" in its place.

(d) Section 104(a)(4) (D.C. Official Code § 38-2971.04(a)(4)) is amended as follows: Amend § 38-2971.04

(1) Strike the word "Superintendent" and insert the phrase "Director of the Office of Public Education Facilities Modernization" in its place.

(2) Strike the phrase "District of Columbia Public Schools" and insert the phrase "Office of Public Education Facilities Modernization" in its place.

(e) Section 201 (D.C. Official Code § 38-2973.01) is amended as follows: Amend § 38-2973.01

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "of the Board of Education and those of the District" and inserting the phrase "of the Mayor" in its place.

(B) Paragraph (3) is amended by striking the phrase "Board of Education" and inserting the phrase "Director of the Office of Public Education Facilities Modernization" in its place.

(2) Subsection (b) is amended to read as follows:

"(b) The Committee shall consist of 11 members, as follows:

"(1) The Mayor shall appoint 5 members to the Committee, of which one

member shall be the parent of a District of Columbia Public Schools ("DCPS") student and one member shall be a teacher in DCPS.

"(2) The Council shall appoint 3 members.

"(3) The Chief Financial Officer shall appoint 2 members.

"(4) The Board of the Education shall appoint one member.".

(3) Subsection (d) is amended by striking the phrase "3 years, with no more than one renewal" and inserting the phrase "3 years" in its place.

(4) Subsection (f) is amended by striking the phrase "Board of Education" and inserting the phrase "Office of Public Education Facilities Modernization" in its place.

(5) Subsection (g) is amended to read as follows:

"(g) The Chairperson of the Committee shall be designated by the Mayor in consultation with the Council and Chief Financial Officer.".

(f) Section 202 (D.C. Official Code § 38-2973.02) is amended as follows: **Amend § 38-2973.02**

(1) The heading is amended by striking the word "Superintendent" and inserting the phrase "the Director of the Office of Public Education Facilities Modernization" in its place.

(2) Subsection (a) is amended by striking the word "Superintendent" and inserting the phrase "Director of the Office of Public Education Facilities Modernization" in its place.

(3) Subsection (b) is amended by striking the word "Superintendent" and inserting the phrase "Director of the Office of Public Education Facilities Modernization" in its place.

(4) Subsection (c) is amended to read as follows:

"(c) The Committee shall forward any written assessment provided to the Director of the Office of Public Education Facilities Modernization to the Mayor, the Council, the Chancellor of the District of Columbia Public Schools, and the Chief Financial Officer.".

(5) Subsection (d) is amended as follows:

(A) Strike the word "Superintendent" and insert the phrase "Director of the Office of Public Education Facilities Modernization" in its place.

(B) Strike the phrase "District of Columbia Public Schools" and insert the phrase "Office of Public Education Facilities Modernization" in its place.

(6) Subsection (e) is amended as follows:

(A) Paragraph (1) is amended as follows:

(I) Strike the word "Superintendent" and insert the phrase "Director of the Office of Public Education Facilities Modernization" in its place.

(ii) Strike the phrase "the Chair of the Council, the Chair of the Committee on Education, Libraries, and Recreation, and the President of the Board of Education." and insert the phrase "the Council, the Chancellor of the District of Columbia Public Schools, and the Chief Financial Officer." in its place.

(B) Paragraph (2) is amended by striking the word "Superintendent" and inserting the phrase "Director of the Office of Public Education Facilities Modernization" in its place.

(g) Section 203 (D.C. Official Code § 38-2973.03) is amended as follows:

ENROLLED ORIGINAL

(1) Subsection (a) is amended as follows: Amend § 38-2973.03

(A) Strike the phrase "June 1, 2006" and insert the phrase "October 1, 2007" in its place.

(B) Strike the phrase "Superintendent, with the approval of the Board of Education," and insert the phrase "Director of the Office of Public Education Facilities Modernization, in consultation with the Mayor," in its place.

(2) Subsection (b) is repealed.

(h) Section 204 (D.C. Official Code § 38-2973.04) is amended by striking the phrase "District of Columbia Public Schools" wherever it appears and inserting the phrase "Office of Public Education Facilities Modernization" in its place. Amend § 38-2973.04

Sec. 1011. Applicability.

This title shall apply upon Congressional enactment of Title IX.

TITLE XI. FISCAL IMPACT; EFFECTIVE DATE

Sec. 1101. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 1102. Effective date.

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

Vincent C. Gray
Chairman
Council of the District of Columbia

Adrian M. Fenty
Mayor
District of Columbia
APPROVED
April 23, 2007