

JAN 19 2007

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL ST., NE, 7th FLOOR, SUITE 7200
WASHINGTON, DC 20002
(202) 442-4423

POSTING DATE: JANUARY 19, 2007
PETITION DATE: MARCH 5, 2007
HEARING DATE: MARCH 21, 2007

LICENSE NO. 10284
LICENSEE: ADAMS MORGAN SPAGHETTI GARDENS, INC.
TRADE NAME: SPAGHETTI GARDEN BRASS MONKEY PEYOYTE ROXANNE
LICENSE CLASS: RETAILER CLASS "C" RESTAURANT
ADDRESS: 2317-2319-18TH STREET, NW.
WARD 1 ANC 1C SMD 1C07

NOTICE IS HEREBY GIVEN THAT THE ABOVE LICENSEE HAS APPLIED FOR AN ENTERTAINMENT ENDORSEMENT PURSUANT TO SECTION 1001 OF TITLE 23 OF DCMR AND THAT OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH ENDORSEMENT ON THE ABOVE HEARING DATE AT 10:00AM, 7TH FLOOR, SUITE 7200, NORTH CAPITOL ST., NE. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE ABOVE PETITION DATE.

THE LICENSEE IS REQUESTING AN ENTERTAINMENT ENDORSEMENT FOR THE FOLLOWING:

ENTERTAINMENT, DANCING

HOURS OF LIVE ENTERTAINMENT

SUNDAY THRU THURSDAY	8:00PM-1:30AM
FRIDAY AND SATURDAY	8:00PM-2:30AM

JAN 19 2007

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POSTING DATE: JANUARY 19, 2007
PETITION DATE: MARCH 5, 2007
HEARING DATE: MARCH 21, 2007

LICENSE NO. 10574
LICENSEE: CHATEAU, INC.
TRADE NAME: CHATEAU, INC.
LICENSE CLASS: RETAILER CLASS "C" RESTAURANT
ADDRESS: 3439-BENNING ROAD, NE.
WARD 7 ANC 7D SMD 7D04

NOTICE IS HEREBY GIVEN THAT THE ABOVE LICENSEE HAS APPLIED FOR AN ENTERTAINMENT ENDORSEMENT PURSUANT TO SECTION 1001 OF TITLE 23 OF DCMR AND THAT OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH ENDORSEMENT ON THE ABOVE HEARING DATE AT 10:00AM, 7TH FLOOR, SUITE 7200, NORTH CAPITOL ST., NE. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE ABOVE PETITION DATE.

THE LICENSEE IS REQUESTING A CHANGE IN OPERATING HOURS TO:

MONDAY, TUESDAY & WEDNESDAY	CLOSED
THURSDAY	6:00PM-12:00AM
FRIDAY	6:00PM-3:00AM
SATURDAY	9:00PM-3:00AM
SUNDAY	7:00PM-1:00AM

CURRENT OPERATING HOURS:

MONDAY, TUESDAY & WEDNESDAY	CLOSED
THURSDAY	9:00PM-2:00PM
FRIDAY	9:00PM-2:00AM
SATURDAY	9:00PM-3:00AM
SUNDAY	CLOSED

JAN 19 2007

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POSTING DATE: JANUARY 19, 2007
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LICENSE NO. 22889
LICENSEE: SERENGETI ENTERTAINMENT GROUP INC.
TRADE NAME: SERENGETI
LICENSE CLASS: RETAILER CLASS "C" RESTAURANT
ADDRESS: 6210-GEORGIA AVE., NW.
WARD 4 ANC 4A SMD 4A06

NOTICE IS HEREBY GIVEN THAT THE ABOVE LICENSEE HAS APPLIED FOR AN ENTERTAINMENT ENDORSEMENT PURSUANT TO SECTION 1001 OF TITLE 23 OF DCMR AND THAT OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH ENDORSEMENT ON THE ABOVE HEARING DATE AT 10:00AM, 7TH FLOOR, SUITE 7200, NORTH CAPITOL ST., NE. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE ABOVE PETITION DATE.

THE LICENSEE IS REQUESTING AN ENTERTAINMENT ENDORSEMENT FOR THE FOLLOWING:

ENTERTAINMENT

HOURS OF LIVE ENTERTAINMENT

SUNDAY THRU WEDNESDAY	7:00PM-2:00AM
THURSDAY	8:00PM-2:00AM
FRIDAY AND SATURDAY	8:00PM-3:00AM

LICENSEE REQUEST CHANGE IN OPERATING HOURS:

MONDAY-THURSDAY	10:00AM-2:00AM
FRIDAY-SATURDAY	10:00AM-3:00AM
SUNDAY	12:00NOON-2:00AM

CURRENT OPERATING HOURS:

MONDAY-THURSDAY	10:00AM-2:00AM
FRIDAY-SATURDAY	10:00AM-3:00AM
SUNDAY	CLOSED

JAN 19 2007

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POSTING DATE: JANUARY 19, 2007
PETITION DATE: MARCH 5, 2007
HEARING DATE: MARCH 21, 2007

LICENSE NO. 60576
LICENSEE: HACA VENTURES, INC.
TRADE NAME: SAKI WHISPER
LICENSE CLASS: RETAILER CLASS "C" RESTAURANT
ADDRESS: 2477-18TH STREET, NW.
WARD 1 ANC 1C SMD 1C07

NOTICE IS HEREBY GIVEN THAT THE ABOVE LICENSEE HAS APPLIED FOR AN ENTERTAINMENT ENDORSEMENT PURSUANT TO SECTION 1001 OF TITLE 23 OF DCMR AND THAT OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH ENDORSEMENT ON THE ABOVE HEARING DATE AT 10:00AM, 7TH FLOOR, SUITE 7200, NORTH CAPITOL ST., NE. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE ABOVE PETITION DATE.

THE LICENSEE IS REQUESTING AN ENTERTAINMENT ENDORSEMENT FOR THE FOLLOWING:

ENTERTAINMENT, DANCING, COVER CHARGE

HOURS OF LIVE ENTERTAINMENT

SUNDAY THRU THURSDAY	8:00PM-2:00AM
FRIDAY AND SATURDAY	8:00PM-3:00AM

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POSTING DATE: JANUARY 19, 2007
PETITION DATE: MARCH 5, 2007
HEARING DATE: MARCH 21, 2007

LICENSE NO. 74502
LICENSEE: GIRON & MARTINEZ, INC.
TRADE NAME: ACUARIO
LICENSE CLASS: RETAILER CLASS "C" RESTAURANT
ADDRESS: 3410-11TH STREET, NW.
WARD 1 ANC 1A SMD 1A06

NOTICE IS HEREBY GIVEN THAT THE ABOVE LICENSEE HAS APPLIED FOR AN ENTERTAINMENT ENDORSEMENT PURSUANT TO SECTION 1001 OF TITLE 23 OF DCMR AND THAT OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH ENDORSEMENT ON THE ABOVE HEARING DATE AT 10:00AM, 7TH FLOOR, SUITE 7200, NORTH CAPITOL ST., NE. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE ABOVE PETITION DATE.

THE LICENSEE IS REQUESTING AN ENTERTAINMENT ENDORSEMENT FOR THE FOLLOWING:

ENTERTAINMENT

HOURS OF LIVE ENTERTAINMENT

SUNDAY THRU THURSDAY

9:00PM-1:00AM

FRIDAY AND SATURDAY

9:00PM-2:30AM

JAN 19 2007

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
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POSTING DATE: JANUARY 19, 2007
PETITION DATE: MARCH 5, 2007
HEARING DATE: MARCH 21, 2007

LICENSE#: 76260
LICENSEE: LANGSTON BAR & GRILLE, LLC
TRADE NAME: LANGSTON BAR & GRILLE
LICENSE CLASS: RETAIL CLASS "C" TAVERN
ADDRESS: 1831 BENNING ROAD NE

WARD 6 ANC 6A07

NOTICE IS HEREBY GIVEN THAT THIS APPLICANT HAS APPLIED FOR A LICENSE UNDER THE D.C. ALCOHOLIC BEVERAGE CONTROL ACT AND THAT THE OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH LICENSE ON THE HEARING DATE AT 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE PETITION DATE.

NATURE OF OPERATION

NEW, TAVERN SERVING BBQ SUBS AND FRIES. WILL PROVIDE BACKGROUND MUSIC ONLY.

HOURS OF OPERATION

SUNDAY 11:00AM - 12:00AM
MONDAY THROUGH THURSDAY 8:00AM - 2:00AM
FRIDAY 8:00AM - 3:00AM, SATURDAY 11:00AM - 3:00AM

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES

SUNDAY 11:00AM - 12:00AM
MONDAY THROUGH THURSDAY 11:00AM - 2:00AM
FRIDAY AND SATURDAY 11:00AM - 3:00AM

JAN 19 2007

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL ST., NE, 7TH FLOOR, SUITE 7200
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POSTING DATE: JANUARY 19, 2007
PETITION DATE: MARCH 5, 2007
HEARING DATE: MARCH 21, 2007

LICENSE#: 76290
LICENSEE: JIC LLC
TRADE NAME: JORDAN'S
LICENSE CLASS: RETAIL CLASS "C" TAVERN
ADDRESS: 523 8TH STREET SE

WARD 6 ANC 6B03

NOTICE IS HEREBY GIVEN THAT THIS APPLICANT HAS APPLIED FOR A LICENSE UNDER THE D.C. ALCOHOLIC BEVERAGE CONTROL ACT AND THAT THE OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH LICENSE ON THE HEARING DATE AT 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE PETITION DATE.

NATURE OF OPERATION

NEW, TAVERN AND BAR SERVING AMERICAN, CONTINENTAL SUSHI CUISINE. NO DANCE FLOOR, OCCASIONAL DISC JOCKEY ON WEEKEND EVENINGS. ROOF TOP SUMMER GARDEN AND SIDEWALK CAFÉ, ENTERTAINMENT ENDORSEMENT.

HOURS OF OPERATION AND SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES

SUNDAY THROUGH THURSDAY 11:00AM – 2:00AM

FRIDAY AND SATURDAY 11:00AM – 3:00AM

HOURS OF ENTERTAINMENT

FRIDAY AND SATURDAY 9:00PM – 2:45AM

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES FOR SIDEWALK CAFÉ

SUNDAY THROUGH SATURDAY 11:00AM – 11:00PM

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES FOR SUMMER GARDEN

SUNDAY THROUGH THURSDAY 11:00AM – 2:00AM

FRIDAY AND SATURDAY 11:00AM – 3:00AM

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL ST., NE, 7TH FLOOR, SUITE 7200
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POSTING DATE: JANUARY 19, 2007
PETITION DATE: MARCH 5, 2007
HEARING DATE: MARCH 21, 2007

LICENSE#: 76293
LICENSEE: MATADOR LLC
TRADE NAME: LA PATA NEGRA
LICENSE CLASS: RETAIL CLASS "C" RESTAURANT
ADDRESS: 1612 14TH STREET NW

WARD 2 ANC 2F01

NOTICE IS HEREBY GIVEN THAT THIS APPLICANT HAS APPLIED FOR A LICENSE UNDER THE D.C. ALCOHOLIC BEVERAGE CONTROL ACT AND THAT THE OBJECTORS ARE ENTITLED TO BE HEARD BEFORE THE GRANTING OF SUCH LICENSE ON THE HEARING DATE AT 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE PETITION DATE.

NATURE OF OPERATION

NEW, RESTAURANT SERVING SPANISH CUISINE, SIDEWALK CAFE.

HOURS OF OPERATION

SUNDAY 8:00AM – 2:00AM
MONDAY THROUGH FRIDAY 11:00AM – 2:00AM
SATURDAY 8:00AM – 2:00AM

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES

SUNDAY 10:00AM – 2:00AM
MONDAY THROUGH FRIDAY 11:00AM – 2:00AM
FRIDAY 11:00AM - 2:00AM, SATURDAY 8:00AM – 2:00AM

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES FOR SIDEWALK CAFÉ

SUNDAY 10:00AM – 2:00AM
MONDAY THROUGH SATURDAY 11:00AM – 2:00AM

BOARD OF ELECTIONS AND ETHICS

NOTICE OF PUBLIC HEARING
RECEIPT AND INTENT TO REVIEW INITIATIVE MEASURE

The Board of Elections and Ethics shall consider in a public hearing whether the proposed measure "District of Columbia Public Education Reform Amendment Act of 2007" is a proper subject matter for initiative, at the regular Board meeting on Wednesday, March 7, 2007 at 10:30am., One Judiciary Square, 441 4th Street, N.W., Suite 280, Washington DC.

The Board requests that written memoranda be submitted for the record no later than 4:00 p.m., Friday, March 2, 2007 to the Board of Elections and Ethics, General Counsel's Office, One Judiciary Square, 441 4th Street, N.W., Suite 270, Washington, D.C. 20001.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of the organization represented (if any) by calling the General Counsel's office on 727-2194 no later than Tuesday, March 6, 2007.

The Short Title, Summary Statement and Legislative Text of the proposed initiative read as follows:

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 District of Columbia Department of Education headed by a Deputy Mayor for Education; to amend the Charter of the District of Columbia to amend section 452 regarding the District of Columbia Public Schools Budget and repeal section 495 regarding the District of Columbia Board of Education; to transfer and assign state-level education agency functions to the State Education Office; 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 in the District; to create a Public School Facilities Management and Construction Authority to manage the District of Columbia Public Schools facilities and to implement maintenance, repair, renovation, construction, and modernization projects for school facilities; 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 become charters without a petition, to establish the State Education Office as a charter authorizer by way of appeal in both the petitioning and charter revocation phases, to require performance reviews of

public charter schools every three years, and to clarify that a school chartering authority may revoke a school charter for insufficient academic performance; to repeal the Public Charter Schools Act of 1996; and to make conforming amendments.

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

TITLE I. ESTABLISHMENT OF MAYORAL ACCOUNTABILITY FOR THE
DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Sec. 101. Short title.

This act may be cited as the "District of Columbia Public Schools Mayoral Accountability Reform Act of 2007".

Sec. 102. Pursuant to section 404 (b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 779; D.C. Official Code § 1-204.04 (b)), the agency now known as the District of Columbia Public Schools, and as D.C. Public Schools, is established as a separate cabinet-level agency, subordinate to the Mayor, to be known as the District of Columbia Public Schools.

Sec. 103. Mayor's Authority.

Except as specifically provided in this act, the Mayor shall have authority over all curriculum, operations, functions, budget, personnel, labor negotiations and collective bargaining agreements, facilities and other matters, including those stated in section 104 of this title, affecting the District of Columbia Public Schools, but may by order delegate any or all of those functions to a designee, or to the head of the District of Columbia Public Schools, hereby known as the Chancellor of the District of Columbia Public Schools ("Chancellor") as warranted for efficient and sound administration. The

Chancellor may sub delegate any functions delegated to him within the District of Columbia Public Schools.

Sec. 104. Purposes of the District of Columbia Public Schools.

The District of Columbia Public Schools shall have as its purposes:

- (1) Educating all students enrolled within its schools and or learning centers consistent with District-wide standards of academic achievement established by the State Education Office;
- (2) Operating public schools in the District of Columbia; and
- (3) Performing the functions of a local educational agency under applicable federal laws for public elementary and secondary schools under its administrative direction and control.

Sec. 105. Appointment and Duties of the Chancellor of the District of Columbia Public Schools.

The District of Columbia Public Schools shall be administered by a full-time Chancellor 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 Chancellor shall report to and serve at the pleasure of the Mayor, and shall be qualified by experience and training to carry out the purposes of this title. In addition to such other duties as may be lawfully imposed, the Chancellor shall:

- (1) Serve as the chief executive officer of the District of Columbia Public Schools, organizing the agency for its efficient operation, including creating offices within the agency as necessary and exercising any other powers necessary and

appropriate to operate the schools and implement applicable provisions of District and federal law; and

(2) 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.*), and as authorized by the Mayor, issue and enforce all rules and regulations necessary and appropriate to the proper accomplishment of the duties and functions imposed by this title.

Sec. 106. The Mayor may, by order, delegate to the Chancellor personnel authority for all employees of the District of Columbia Public Schools with authority to hire, retain, discipline, and terminate personnel 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.*).

Sec. 107. The Mayor may delegate to the Chancellor procurement authority independent of the Office of Contracting and Procurement to carry out the purposes of the District of Columbia Public Schools, including contracting and contract oversight, 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.*).

Sec. 108. Transfer of Positions, Personnel, Property, Records and Unexpended Balances.

(a) The provisions of subsections (b) through (f) of this section shall apply notwithstanding any law, rule or regulation to the contrary, except that subsections (b) through (f) shall be subject to section 304(c) and (d) of the District of Columbia Public Education Reform Amendment Act of 2007.

(b) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Charter-created Board of Education or D.C. Public Schools as it existed prior to the effective date of Title II of this act are hereby transferred to the Mayor for the purposes of providing educational services to residents of the District of Columbia. The primary purpose of any school property or facility shall remain to fulfill the public education functions of the District government.

(c) All of the functions assigned and authorities delegated to the Charter-created D.C. Board of Education or to the D.C. Public Schools as they existed prior to the enactment of Title II of the District of Columbia Public Education Reform Amendment Act of 2007, are hereby transferred to the Mayor.

(d) The Mayor is the successor to all statutory authorities, responsibilities, and functions previously performed by, or assigned to, the Charter-created D.C. Board of Education or D.C. Public Schools as they existed prior to the enactment of Title II of District of Columbia Public Education Reform Amendment Act of 2007, including those involving grants and funding programs, and federal food programs.

(e) The Mayor is the successor to all authority previously granted to either the Charter-created D.C. Board of Education or D.C. Public Schools as they existed prior to the enactment of Title II of District of Columbia Public Education Reform Amendment Act of 2007 and is authorized to act, either personally or through a representative, as a member of any committee, commission, board or other body which, as of the enactment of Title II of District of Columbia Public Education Reform Amendment Act of 2007, includes members from either the Charter-created D.C. Board of Education or D.C.

Public Schools as they existed prior to the enactment of Title II of District of Columbia Public Education Reform Amendment Act of 2007.

(f) The Mayor is authorized to reorganize the personnel and property transferred in this section within any organizational unit of the District of Columbia Public Schools.

(g) The Mayor is authorized to reorganize the personnel and property within the Office of the General Counsel of the District of Columbia Public Schools and to require that office to report to the District of Columbia Office of Attorney General.

Sec. 109. Section 2(a) through (f) of 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. 317; D.C. Official Code § 38-101 *et seq.*) is repealed.

Sec. 110. Establishment of a District of Columbia Department of Education.

(a) There is established, under the Office of the Mayor, a District of Columbia Department of Education ("Department of Education").

(b) The Department of Education shall:

(1) Have oversight of the State Education Office;

(2) Have oversight of the District of Columbia Public Education Facilities Management and Construction Authority;

(3) Be responsible for the supervision of the Office of the Ombudsman for Public Education;

(4) Be responsible for the planning, coordination, and supervision of all public education and education-related activities of the District Government, including

development and support of programs to improve the delivery of educational services and opportunities, from the pre-kindergarten to post-graduate level;

(5) 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;

(6) Have oversight of the development of a comprehensive, District-wide data system that integrates and tracks data across education, justice, and human service agencies in order to assess the needs of and inform the comprehensive service delivery to children in the District of Columbia; and

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

(c) The Department of Education shall be headed by the Deputy Mayor for Education, who shall be appointed by and serve at the pleasure of the Mayor.

(d) Special Education. Within 60 days of enactment 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 Fiscal Year 2004 Budget Support 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).

TITLE II. BOARD OF EDUCATION CHARTER AMENDMENT.

Sec. 201. Short title.

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

Sec. 202. Amendment of Authority for the Budget of the District of Columbia Public Schools.

Section 452 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.52), is amended to read as follows:

“Sec. 452. Annual Budget for the District of Columbia Public Schools.

“Role of Mayor and Council. The District of Columbia Public Schools shall develop an annual budget for the operation of the public schools for submission to the Mayor. The Mayor shall submit the budget to the Council for approval, pursuant to section 442 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.42).”.

Sec. 203. Repeal of D.C. Board of Education Governance Authority.

Section 495 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 820; D.C. Official Code § 1-204.95), is repealed.

Sec. 204. Applicability.

The "District of Columbia Board of Education Charter Amendment Act of 2007" shall be applicable upon the enactment of sections 202 and 203 of this title into law by the United States Congress.

TITLE III. STATE EDUCATION AGENCY FUNCTIONS AND RESPONSIBILITIES.

Sec. 301. Short title.

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

Sec. 302. 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), is amended by adding a new subsection (c) to read as follows:

“(c) The Officer shall serve as the Chief State School Officer for the District of Columbia.”

Sec. 303. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602), is amended as follows:

(a) By adding a new paragraph (1) to read as follows:

“(1) 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 but not limited to grant-making, oversight, and State educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education.”;

(b) By re designating paragraphs (1), (2), (3), (4), and (5) as paragraphs (2), (3), (4), (5), and (6), respectively; and

(c) By adding new paragraphs (7), (8), (9), (10), (11) and (12) to read as follows:

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

“(8) Prescribe minimum amounts of instructional time for all schools in the District, 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 District of Columbia Early Intervention Services Program, established by 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 § 7-863.03), as defined in accordance with section 502 of that act;

“(10) Provide for the education of children in the custody of the District of Columbia Department of Youth Rehabilitative Services;

“(11) Formulate and promulgate rules as necessary to carry out its functions, pursuant to the District of Columbia Administrative Procedure Act, approved October 21, 1968, (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*); and

“(12) Any other responsibilities not inconsistent with the performance of the state-level education functions of the District of Columbia.”

Sec. 304. Section 3 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602), is amended by adding new subsections (c) and (d) to read as follows:

“(c) 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 identified in subsection (b) of this section are hereby transferred to the State Education Office, 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).

“(d) All of the 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 subsection (b) of this section are hereby transferred to the State Education Office, 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). The transfer of these functions shall be made pursuant to an approved transition plan, developed within 90 days, in accordance with section 7 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2606).”

Sec. 305. Supervision of Adult Education Program.

(a) Section 2(b) 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.

(b) 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 by adding a new section 8 to read as follows:

“Sec. 8. Supervision of Adult Education Program.

“(a) Notwithstanding any other provision of District law, the State Education Office shall be the state agency responsible for supervision of adult education and adult literacy in the District of Columbia.

“(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, are hereby transferred to the State Education Office, 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).

“(c) 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, including those delegated pursuant to this chapter, are hereby transferred to the State Education Office, established by Section 2 of the State Education Office Establishment Act of 2000, effective October 21, 2000, as amended (D.C. Law 13-176; D.C. Official Code § 38-2601). The transfer of these functions shall be made pursuant to an approved transition plan, developed within 90 days, in accordance with section 7 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2606).

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

“(e)(1) Notwithstanding any other provision of law, the State Education Office 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 State Education Office as 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 and changes in the amount fixed by this subsection are set by the State Education Office 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 final adoption of such amount, the State Education Office shall transmit a copy of the fee schedule to the Mayor and the Council.

“(2) All amounts received by the State Education Office pursuant to this section shall be paid to the D.C. Treasurer and accounted for in the General Fund as a separate revenue source allocable to provide authority for the offering of 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 Education Office.”

Sec. 306. Section 503 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 § 7-863.03), is amended as follows:

(a) subsection (a) is amended to read as follows:

“(a) There is established in the State Education Office an Early Intervention Program (“Program”) to provide early intervention services to infants and toddlers, from birth through 2 years of age, and their families. The services shall be provided in accordance with the requirements of the Individuals with Disabilities Education Act, as approved June 4, 1997 (111 Stat. 37; 20 U.S.C. § 1400 *et seq.*)”

(b) New subsections (d) and (e) are added to read as follows:

“(d) 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 Department of Human Services that support functions related to the responsibilities of the District of Columbia Early Care and Education Administration and the District of Columbia Early Intervention Program as defined 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), are hereby transferred to the State Education Office, 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).

“(e) All of the powers, duties, and functions delegated to the District of Columbia Department of Human Services concerning the establishment, development, and institution of functions related to the District of Columbia Early Intervention Program as defined 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), including those delegated pursuant to this chapter, and all functions and responsibilities related to the District of Columbia Early Care and

Education Administration, are hereby transferred to the State Education Office, 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).”.

Sec. 307. All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Board of Education, the District of Columbia Public Schools, the District of Columbia Department of Human Services, or the University of the District of Columbia relating to functions transferred to the State Education Office under this act that are in effect at the time this act takes effect shall remain in effect according to their terms until lawfully amended, repealed, or modified by the State Education Office.

Sec. 308. Transition Plan.

(a) The State Education Officer shall, within 90 days of enactment of this title, submit to the Mayor for approval a detailed transition plan for the transfer to take place not later than October 1, 2007, of all of the functions and responsibilities designated for transfer by the Public Education State-Level Functions and State Education Agency Functions and Responsibilities Designation Amendment Act of 2007. The transition plan shall:

(1) Be formulated in consultation with the Board of Education, the District of Columbia Public Schools, the Public Charter School Board, District agencies with responsibilities for functions specified in sections 303-306, and any relevant federal agencies;

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

(3) Specify timelines, dates and benchmarks for transfer of authority, responsibility, budget, and employees;

(4) Specify the estimated cost to the SEO of carrying out each function specified in sections 303-306;

(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.

(c) The transfer of all functions designated by the Public Education State-Level Functions and State Education Agency Functions and Responsibilities Designation Amendment Act of 2007 shall be made pursuant to the transition plan detailed in subsection (a) in accordance with section 7 of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2606).

TITLE IV. ESTABLISHMENT OF STATE BOARD OF EDUCATION.

Sec. 401. Short title.

This act may be cited as the "District of Columbia State Board of Education Establishment Act of 2007".

Sec. 402. Transition From Charter Created Board to State Board.

The existing Board of Education created by section 495 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.95) (hereinafter in this act referred to as the "Charter-created Board of

Education") shall continue in effect only until such time as Title II of the District of Columbia Public Education Reform Amendment Act of 2007 becomes effective and all terms of office of the Charter-created Board members shall continue until a successor member is either appointed by the Mayor or elected pursuant to section 403 of this act or the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*) depending upon whether the member being replaced was appointed or elected.

Sec. 403. Board membership; election; term of office; vacancies.

(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 (b) of this section. One member shall be elected at-large as the President of the Board.

(2) Members of the Charter-created Board of Education, as of the effective date of this act, shall serve as the initial State Board of Education through January 2, 2009. The terms of these members shall expire at noon, January 2, 2009.

(b) The 4 school districts for the election of Board members pursuant to subsection (a) 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.

(c) Beginning January 2, 2009, the Board shall consist of 9 elected members.

One member shall be elected from each of the 8 school election wards established 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 State Board of Education shall select its President from among the 9 members of the Board.

(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 of the District of Columbia, which shall not exceed the sum provided by section 1110 of the District of Columbia 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 of the Board elected in a general election shall commence on January 2 of the year following the election. The term of office of an incumbent member of the Board shall expire at noon January 2 of the year following the general election.

(B) The initial terms of the members of the State Board of Education 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 elected from a ward shall at the time of his or her nomination: (A) be a qualified elector (as that term is defined in § 1-1001.02) in the school election ward from which he seeks election; (B) have, for one year immediately preceding the election, resided in the ward from which he or she is nominated; and (C) have, during the 90-day period next preceding his or her nomination, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his or her office upon failure to maintain the qualifications required by this paragraph.

(2) Each member of the Board elected at large shall at the time of his or her nomination: (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 § 1-1001.01 *et seq.*)) in the District of Columbia; and (B) have, during the one year period immediately preceding the election, been an actual resident of the District of Columbia and have during such period claimed residence nowhere else. A member shall forfeit his or her office upon failure to maintain the qualifications required by this paragraph.

(3) No individual may hold the office of member of the State Board of Education and: (A) 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 (B) also be an officer or employee of the District of Columbia government or of the Board. A member shall forfeit his or her office upon failure to maintain the qualifications required by this paragraph.

(f) Whenever, before the end of his or her term, a member of the Board dies, resigns, or becomes unable to serve or a member-elect of the Board fails to take office, such vacancy shall be filled as provided in section 10(e) and (g) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*).

(g) The election of the members of the State Board of Education 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.*).

Sec. 404. Functions of the State Board of Education.

(a) The State Board of Education shall advise the Chief State School Officer on various subject matters including, but not limited to, state standards, state policies, state objectives and state regulations proposed by the Mayor or the Chief State School Officer and state policies governing the special, academic, vocational, charter and other schools established within the District of Columbia.

(b) The State Board of Education shall have no policy making authority, except for the following:

(1) Approval of state standards upon recommendation by the Chief State School Officer; and

(2) Approval of the state accountability plan for the District of Columbia developed by the Chief State School Officer pursuant to section 1111(c)(2) of the No Child Left Behind Act of 2001, enacted January 8, 2002 (Pub. L. 107-110, 20 USC 6311).

(c) The State Board of Education may conduct a monthly meeting to receive citizen input with respect to issues properly before it.

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

TITLE V. INTERAGENCY COLLABORATION AND SERVICES

INTEGRATION COMMISSION.

Sec. 501. Short title.

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

Sec. 502. Purpose

The purpose of the Interagency Collaboration and Services Integration 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 a comprehensive integrated service delivery system that includes the following:

- (1) Comprehensive, multi-disciplinary assessments of children by school-based clinicians;
- (2) Implementation of 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 Commission's programs including the impact on academic performance, levels of violence by and against children, truancy and delinquency; the cost effectiveness of the Commission's programs, taking into account such factors as reductions, or potential reductions, in out of home placements and law enforcement expenditures; and the extent to which the Commission has developed the capacity to sustain its programs and activities.

Sec. 503. Definitions

For the purposes of this act, the term:

(1) "Comprehensive, multi-disciplinary assessments" means assessments of children to determine the extent to which they are affected by risk and protective factors as individuals and in families, communities and schools, and the extent to which they have service needs resulting from emotional disturbance, substance abuse, exposure to violence and learning disabilities.

(2) "Evidence-based", with reference to a preventive or interventive program means a program: (A) whose evaluation, which has been completed by an independent agency with demonstrated expertise in evaluation; (B) that yields statistically significant data demonstrating the program's effectiveness in accomplishing its intended

purposes; and (C) that has been replicated in another community with a level of effectiveness comparable to that indicated in the evaluation.

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

(4) "School-based clinicians" means certified social workers, credentialed alcoholism and substance abuse counselors or other mental health, alcoholism, substance abuse or chemical dependence counselors deemed qualified by the Director of the Department of Health or other nationally recognized certification organizations to conduct comprehensive, multi-disciplinary assessments.

Sec. 504. Establishment of the Interagency Collaboration and Services Integration Commission.

(a) There is established an Interagency Collaboration and Services Integration Commission ("Commission"). The Commission shall:

(1) Develop an information-sharing agreement, within 90 days of enactment of this title, with education, law enforcement, and human service agencies, which shall permit Commission personnel to collect information from agencies participating in the agreement in order to conduct comprehensive multi-disciplinary assessments and to develop and implement integrated service plans. The information-sharing agreement shall adhere to all applicable provisions of federal and District law and professional standards regarding confidentiality, and shall include:

(A) The Commission's procedures and protocols for safeguarding confidential and other client-related information; and

(B) The Commission's form for obtaining consent to assessment and disclosure of confidential information from a participant or the parent or legal guardian of a participant;

(2) Develop, within 90 days of enactment of this title, procedures and protocols for safeguarding confidential and other client-related information, including documents, files, electronic communications and computer data. The procedures and protocols shall include 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 a participant. The procedures shall further specify 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:

(A) Other personnel of the Commission for the sole and exclusive purposes of

(i) Conducting comprehensive, multi-disciplinary assessments of children; and

(ii) Creating and implementing integrated service plans for children; and

(B) Education, law enforcement and human service agencies and other service providers identified in the consent to assessment and disclosure of confidential information for the sole and exclusive purpose of creating and implementing such integrated service plans;

(3) Identify a comprehensive, multi-disciplinary assessment instrument which shall be used by school-based clinicians to determine the extent to which children are affected by risk and protective factors as individuals and in families, communities, and schools, and the extent to which children have service needs resulting from emotional disturbance, substance abuse, exposure to violence, and learning disabilities. The school-based clinicians shall also provide therapeutic interventions and assist in the development of integrated service plans;

(4) Through financial, administrative and other supports, assist education, law enforcement and human service agencies in the implementation of preventive and early interventive programs for children and their families. Such programs shall be implemented to serve children in pre-school, primary school, and secondary school age groups and their families. All preventive and interventive programs implemented with the assistance and support of the Commission shall be evidence-based programs and shall include, but not be limited to, the following:

(A) Early childhood psychosocial and emotional development programs;

(B) School-based violence and substance abuse prevention and social and emotional learning programs;

(C) Family resiliency and strengthening programs; and

(D) Programs that are designed to reduce local reliance on out-of-home placements of children under the age of 18;

(5) 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 (4) of this section;

(6) Maintain an interagency database housed in a secure location which stores assessment information, data gathered pursuant to the information-sharing agreement and other data relevant for the purposes of service integration, the monitoring and evaluation or treatment plans, and the ongoing assessment of programs implemented or supported by the Commission;

(7) Conduct an annual independent evaluation of the effectiveness of the Commission's programs, including the impact on academic performance, levels of violence by and against children, truancy and delinquency; the cost effectiveness of the Commission's programs, taking into account such factors as reductions, or potential reductions, in out of home placements and law enforcement expenditures; and the extent to which the Commission has developed the capacity to sustain its programs and activities; and

(8) Report, on an annual basis, on the status and progress of the objectives of the Commission, including the results of the evaluation referenced in paragraph (7) of this subsection and any recommendations made by the Commission, to the public, the Mayor, and the Council. The report shall be submitted to the Mayor and the Council within 90 days after the end of each fiscal year.

(b) The Commission shall have the authority, unless expressly prohibited in statute or regulation, to combine local, federal and other resources available to the participating education, law enforcement, and human services agencies for the purposes

of providing comprehensive multi-disciplinary assessments, integrated services, and evidence-based programs as described herein.

(c) The Commission is authorized to apply for, receive, and disburse federal, state, and local funds for which the District of Columbia is eligible and which are relevant to the duties and responsibilities of the Commission. The Commission is also authorized to utilize the funding provided pursuant to the Integrated Funding and Services for At-Risk Children, Youth, and Families Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 34) to carry out its responsibilities.

Sec. 505. Membership

The Commission shall include the following members:

- (1) The Mayor, who shall serve as the Chair;
- (2) Deputy Mayor for Education;
- (3) Chairman of Council of the District of Columbia;
- (4) Chief Judge, Family Court of the District of Columbia;
- (5) City Administrator;
- (6) State Education Officer;
- (7) Chancellor of the District of Columbia Public Schools;
- (8) Chair of the Public Charter School Board;
- (9) Director of the Department of Child and Family Services;
- (10) Director of the Department of Youth Rehabilitative Services;
- (11) Director of the Department of Health;
- (12) Director of the Department of Mental Health;
- (13) Chief of the Metropolitan Police Department;
- (14) Director of the Court Social Services Agency;

- (15) District of Columbia Attorney General;
- (16) Director of the Criminal Justice Coordinating Council;
- (17) Director of the Department of Parks and Recreation; and
- (18) Director of the District of Columbia Public Library.

Sec. 506. Administrative support.

(a) The Commission is authorized to hire staff and to obtain equipment, supplies, materials and services as necessary to carry out the functions of the Commission.

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

(c) The Commission may exercise procurement authority to carry out the responsibilities of the Commission, including contracting and contract oversight. The Commission shall exercise this 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.*), except that the provisions of section 105(a), (b), (c), and (e) of that act (D.C. Official Code § 2-301.05(a), (b), (c), and (e)) shall not apply to the Commission.

TITLE VI. CREATION OF OFFICE OF OMBUDSMAN FOR PUBLIC EDUCATION.

Sec. 601. This act may be cited as the "Ombudsman for Public Education Establishment Act of 2007".

Sec. 602. The Mayor shall establish an Office of Ombudsman for Public Education in the District of Columbia within the District of Columbia Department of Education for the following purposes:

- (a) To encourage communication between citizens and the Mayor regarding pre-kindergarten through postsecondary, graduate public education issues in the District of Columbia;
- (b) To serve as a mechanism by which citizens can communicate their questions and concerns regarding public education in the District of Columbia through a single, central source within the District government; and
- (c) To respond to questions and issues raised by members of the public regarding public education in the District of Columbia in a timely fashion with accurate and helpful information.

Sec. 603. Duties of the Office of Ombudsman for Public Education.

- (a) The Office of the Ombudsman for Public Education shall report to the Deputy Mayor for Public Education.
- (b) The primary duties of the Office of Ombudsman for Public Education are investigation and resolution of problems raised by citizens, outreach to the public, and identification of systemic concerns raised by citizens or related to public education in the District of Columbia. The Office of Ombudsman for Public Education shall perform the following core functions to accomplish these duties:
 - (1) Receive complaints from parents and District residents concerning public education in the District of Columbia;
 - (2) Determine the validity of any complaint quickly and professionally;

- (3) Generate options for a response;
- (4) Make a recommendation among the options; and
- (5) Make a referral to the appropriate school official, when appropriate.

(c) The Office of Ombudsman for Public Education shall maintain a database that tracks complaints received according to various categories, including but not limited to type, school level, and location. The Office of Ombudsman for Public Education shall report monthly to the Mayor and the State Board of Education an analysis of the complaint and resolution data, and shall recommend, based on public complaints, policy changes, staff training, or implementation strategies necessary to improve the delivery of public education services in the District of Columbia.

(d) The Office of Ombudsman for Public Education shall strive at all times to perform its functions with neutrality and independence toward the issue being addressed.

TITLE VII. CREATION OF PUBLIC EDUCATION FACILITIES

MANAGEMENT AND CONSTRUCTION AUTHORITY.

Sec. 701. Short title.

This act may be cited as the "District of Columbia Public Education Facilities Management and Construction Authority Establishment Act of 2007".

Sec. 702. Establishment of the District of Columbia Public Education Facilities Management and Construction Authority.

There is established as a corporate body and independent instrumentality of the District, with a legal existence separate from that of the District government, the District of Columbia Public Education Facilities Management and Construction Authority

("Facilities Management and Construction Authority"). The Facilities Management and Construction Authority is created to effectuate the following public purposes:

- (1) Ensuring that the children of the District of Columbia have safe, modern, secure educational environments in which to learn;
- (2) Implementing the District of Columbia Public Schools Master Facilities Plan, and to, in consultation with DCPS, seek any appropriate amendments to the Master Facilities Plan;
- (3) Directing the functions of maintenance, inspection, construction, renovation, repair, and modernization of District of Columbia Public Schools facilities; and
- (4) Expediting school modernization through the efficient expenditure of District of Columbia Public Schools capital funds and the identification of and development of alternative financing mechanisms for school modernization, including public private partnerships, co-location, and other leveraged uses of facilities space and assets.

Sec. 703. Powers.

(a) The Facilities Management and Construction Authority shall have the power to:

- (1) Sue and be sued.
- (2) Receive, establish, and manage funds, including:
 - (A) Solicit and develop public private development partnerships, consistent with law, and other means of alternative financing to support the District of Columbia Public Schools capital improvement plan;

(B) Direct the expenditure of District capital and operating funds allocated by the Council for the operation, maintenance, repair, design, construction, renovation, and modernization of District of Columbia Public Schools facilities, including all funds made available through the Public School Capital Improvement Fund established by section 101 of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123, D.C. Official Code § 38-2971.01); and

(C) Establish one or more revolving funds for the exclusive benefit of the Authority to finance the activities of the Authority, including the administration of the District of Columbia Public Schools capital improvement program, which funds shall not be a part of the General Fund of the District and shall be non-lapsing. Unexpended amounts therein shall not revert to the General Fund at the end of the fiscal year but shall remain in the Authority fund. The Authority may pledge and secure all or a portion of these funds to carry out the Authority's purposes.

(3) Manage and execute all lease agreements, notwithstanding section 451(b) and (c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code 1-204.51(b) and (c)), for the use of District of Columbia Public Schools facilities, the revenues from which shall be deposited in a revolving fund established by the Facilities Management and Construction Authority and separate from the General Fund of the District of Columbia;

(4) Enter into long-term land and facility lease agreements for District of Columbia Public Schools facilities, notwithstanding section 451(b) and (c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code 1-204.51(b) and (c)), that are determined to be excess by the Mayor, upon

recommendation by the Chancellor, and are not needed for educational purposes in the short-term. Nothing in this section shall be interpreted to grant authority to the Facilities Management and Construction Authority to sell District government property or facilities without following existing law governing the disposition of property;

(5) Enter into contracts and execute any instrument necessary or convenient to accomplish the purposes of the District of Columbia Public Education Facilities Management and Construction Authority and this title;

(6) Enter into agreements and joint venture arrangements, consistent with law, with any local, state, regional, or federal government agency, community-based organization, or private entity to further the purposes of this title, provided that the primary purpose of such an agreement and the primary use of any school facility shall be for public education;

(7) Approve and authorize decisions at every stage of school facility maintenance, repair, renovation, construction or modernization, including planning, design, procurement, and construction; and

(8) Adopt policies, rules, and procedures governing its procurement of goods and services, notwithstanding the requirements of 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.*).

Sec. 704. Chief Executive Officer.

(a) The Mayor shall appoint a Chief Executive Officer ("CEO") of the Facilities Management and Construction Authority, 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 CEO shall serve at the pleasure of the Mayor and shall receive such compensation as determined by the Mayor.

(b) In addition to any other duties set forth in this act, the CEO shall:

(1) Direct and supervise the administration and management of the Facilities Management and Construction Authority;

(2) Consult with the Chancellor and the State Education Officer in carrying out his functions under this act;

(3) Hire such personnel as the CEO deems necessary to carry out the functions of the Facilities Management and Construction Authority, 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.*);

(4) Authorize contracts, memoranda, and other binding agreements necessary to carry out the functions of the Facilities Management and Construction Authority; and

(5) Report and make recommendations to the Mayor on the status of school facilities projects, the need for policies, rules, and regulations, and the financial status of the District of Columbia Public Schools capital improvement program.

Sec. 705. Public-Private Development Partnerships.

(a) For the purposes of identifying and creating public-private development partnership opportunities, consistent with law, the CEO may select one or more firms to act as consultants to review the District's public school facility real estate portfolio and prepare detailed business studies for potential public-public and public-private

development partnerships that would expedite projects already approved as part of the implementation of the Facilities Master Plan.

(b) With the approval of the Mayor, the CEO may, consistent with law, establish development partnerships in which property or land owned by the District government may be sold or leased for development to generate revenue for the District of Columbia Public Schools capital improvement plan.

(c) The CEO may, consistent with law, solicit proposals for and award financing to public-public and public-private partnerships to speed school construction projects.

The proposals solicited may include:

- (1) The purchase of a school site and improvements to that site;
- (2) The construction or purchase of a building to be used as a school;
- (3) Complete or partial furnishing and equipping of a school building;
- (4) Repair of a school building;
- (5) The making of improvements to a school site; and

(6) The costs or expenses associated with any of the projects described in paragraphs (1) through (5) of this subsection, including architectural costs, engineering costs, consulting costs, demolition costs, and legal costs.

(d)(1) The CEO shall evaluate proposals solicited under subsection (c) of this section based on consistency with the Master Education Plan and Master Facilities Plan, and whether the proposals:

(A) Provide space and are appropriately designed for school-based programs, support services, and extracurricular activities;

(B) Include well-designed physical systems and components that promote learning, safety, and energy efficiency;

(C) Create connections to the surrounding community and support for community activities; and

(D) Are cost-effective to build, operate, and maintain.

(2) The CEO may also consider other factors that it deems important.

(e) The CEO shall give priority in funding to projects that:

(1) Build additional capacity to serve special education students, including locating new special education programs within District of Columbia Public Schools facilities;

(2) Build additional capacity to provide vocational education to secondary school students in District of Columbia Public Schools;

(3) Co-locate public charter schools within District of Columbia Public Schools facilities;

(4) Develop shared-use community facilities through collaboration with the D.C. Public Library, the Department of Parks and Recreation, and other Executive Branch agencies.

(f) Except as provided in this act, and except for the leases otherwise subject to the provisions of an Act authorizing the sale of certain real property in the District of Columbia no longer required for public purposes, approved August 5, 1939, (53 Stat. 1211; D.C. Official Code §10-801), all actions by the CEO shall be consistent with existing District law with regard to the sale and disposition of public school facilities and property.

Sec. 706. Public Oversight.

(a) Section 201 of the School Modernization Financing Act of 2006, approved June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2973.01) is amended as follows:

(1) Paragraph 1 of subsection 201(a) is amended by striking the phrase “of the Board of Education and those of the District” and insert the phrase “of the Mayor” in its place.

(2) Paragraph 3 of subsection 201(a) is amended by striking the phrase “advise the Board of Education” and inserts the phrase “advise the Chief Executive Officer of the District of Columbia Public Education Facilities Management and Construction Authority (“CEO”) in its place.

(3) Subsection 201(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.”

(4) Subsection 202(a) is amended by striking the word “Superintendent” and inserting the phrase “Chief Executive Officer of the District of Columbia Public Education Facilities Management and Construction Authority (“CEO”) in its place.

(5) Subsection 202(b) is amended by striking the word “Superintendent” and inserting the word “CEO” in its place.

(6) Subsection 202(c) is amended to read as follows:

“(c) The Committee shall forward any written assessment provided to the CEO to the Mayor, the Council, the Chancellor of the District of Columbia Public Schools, and the Chief Financial Officer.”

(7) Subsection 202(d) is amended by striking the word "Superintendent" and inserting the word "CEO" in its place.

(8) Paragraph (1) of subsection 202(e) is amended to read as follows:

"(1) Within 30 days of receipt of the quarterly status report from the CEO, the Committee shall submit a copy of the report, any written analysis or concerns about specific items or projects within the report, and specific policy recommendations, to the Mayor, the Council, the Chancellor of the District of Columbia Public Schools, and the Chief Financial Officer."

(9) Paragraph (2) of subsection 202(e) is amended by striking the word "Superintendent" and inserting the word "CEO" in its place.

Sec. 707. The District of Columbia government shall be exempt from claims and suits against the Facilities Management and Construction Authority.

Sec. 708. The "District of Columbia Public Education Facilities Management and Construction Authority Establishment Act of 2007" shall be applicable upon the enactment of sections 702 through 705 of this title into law by the United States Congress.

TITLE VIII. PUBLIC CHARTER SCHOOL ACCOUNTABILITY

Sec. 801. This act may be cited as the "Public Charter Schools Accountability Reform Amendment Act of 2007".

Sec. 802. School Reform Act Amendments.

(a) Section 2201 of District of Columbia School Reform Act of 1995, effective April 26, 1996 (Public Law 104-132; D.C. Official Code 38-1802.01) is amended:

(1) By re-designating subsection (d) as subsection (e); and

(2) By adding a new subsection (d) to read as follows:

“(d) 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, 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. Such schools shall be considered approved and chartered for the purposes of the District of Columbia School Reform Act and shall be subject to the powers and duties granted to the Public Charter School Board as an eligible chartering authority pursuant section 2211, 2212, and 2213 of the District of Columbia School Reform Act, effective May 29, 1996 (D.C. Law 11-135, D.C. Official Code §§ 38-1802.11-13).”

(c) Paragraph 2 of section 2203(j) of the District of Columbia School Reform Act of 1995, effective April 26, 1996 (Public Law 104-132; D.C. Official Code 38-1802.03) is amended to read:

“(2) Availability of review. A decision by an eligible chartering authority to deny a petition to establish a public charter school shall be subject to judicial review by an appropriate court of the District of Columbia or by the State Education Office. In the case of review by the State Education Office, the State Education Office shall issue procedures for the submission and review of appeals.”

(B) Section 2212(a) (3) of the District of Columbia School Reform Act of 1995, effective April 26, 1996 (Public Law 104-132; 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:

“(A) At least once every 3 years to determine whether the charter should be revoked for the reasons described in subsection (a) or (b) of section 2213 in accordance with the procedures for such revocation established under section 22139(c); and

“(B) Once every 3 years, beginning on the date that is 3 years after the date on which the charter is granted or renewed, to determine whether the charter should be revoked for the reasons described in subsection (a) or (b) of section 2213 in its place in accordance with the procedures for such revocation established under section 2213(c).”

(c) Section 2213 of the District of Columbia School Reform Act of 1995, effective April 26, 1996 (Public Law 104-132; 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. An eligible chartering authority that has granted a charter to a public charter school or the State Education Office may revoke the charter if the eligible chartering authority or State Education Office determines that the school:

“(1) Committed a violation of the applicable laws 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) is amended by striking paragraph (5) and inserting a new paragraph (5) in its place to read as follows:

“(5) Review by State Education Office. Action by an eligible chartering authority to revoke a charter under subsection (a) of this section may be appealed by the applicant or the charter school, as applicable, to the State Education Office. The State Education Office shall issue procedures for the submission and review of appeals.”

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.

Sec. 804. Applicability.

(a) The “Public Charter Schools Accountability Reform Amendment Act of 2007” shall be applicable upon the enactment of section 802 of this title into law by the United States Congress.

TITLE IX. CONFORMING AMENDMENTS

Sec. 901. 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:

(a) Section 301 (m) (13) (D.C. Official Code § 1-603.01 (13)) is amended to read as follows:

"(13) The term "independent agency" means any board or commission of the District of Columbia government not subject to the administrative control of the Mayor, including, but not limited to, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, the Armory Board, the Board of Elections and Ethics, the Public Service Commission, the Zoning Commission for the District of Columbia, the Public Employee Relations Board, the District of Columbia Retirement Board, and the Office of Employee Appeals. For the purposes of this chapter, the Council of the District of Columbia shall be considered an independent agency of the District of Columbia. For the purposes of subchapter XXVIII of this chapter, the Washington Metropolitan Area Transit Commission shall be considered an independent agency of the District."

(b) Section 301 (q) (D.C. Official Code § 1-603.01 (q)) is amended as follows:

(A) Strike the word "and" at the end of paragraph (51).

(B) Strike the period at the end of paragraph (52) and insert the phrase "; and" in its place.

(C) A new paragraph (53) is added to read as follows:

"(53) District of Columbia Public Schools."

Sec. 902. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 15, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20) is amended by adding a new subsection (q) to read as follows:

"(q) Notwithstanding section 105(a), (b), (c), and (e) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.05), the Chancellor of the District of Columbia Public Schools shall exercise procurement authority to carry out the purposes of the D.C. Public Schools, including contracting and contract oversight, consistent with the other provisions of this act."

Sec. 903. 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:

(a) Section 2 (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.

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

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

"The Board shall have power to remove the Superintendent at any time for adequate cause affecting his character and efficiency as Superintendent".

(d) 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.

Sec. 904. 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:

"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."

Sec. 905. Section 143 of the District of Columbia Appropriations Act, 1995, approved September 30, 1994 (108 Stat. 2594; D.C. Official Code § 38-154 (a), (d) and (e)) is amended as follows:

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

"(a) Hereafter, the Chancellor of the District of Columbia Public Schools shall annually compile an accurate and verifiable report on the positions and employees in the public schools system in the District. The first such annual report shall be verified by independent auditors."

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

"(d) (1) Not later than October 1, 2007, and each succeeding year or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act for the fiscal year beginning on such October 1 (whichever occurs first), the Mayor shall submit to Congress and to the Council of the District of Columbia, a revised appropriated funds operating budget for the public school system of the District for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures."

Sec. 906. 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 "Board of Education of the District of Columbia" and inserting the phrase "the Mayor" in its place.

Sec. 907. 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:

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

(b) By striking the word "Superintendent" in subsection (a) and inserting the word "Chancellor" in its place.

Sec. 908. 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 by striking the phrase "District of Columbia Board of Education" and "Board of Education" wherever they appear, and inserting the phrase "the District of Columbia Public Schools" in their place.

Sec. 909. Section 104(d) of The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.04(d)), is repealed.

Sec. 910. The School Modernization Financing Act of 2006, approved 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) is amended to read:

"(d) Beginning on October 1, 2006, the Chief Financial Officer shall transfer any funds deposited in the Fund that are requested by the Mayor to the District of Columbia

Public Education Facilities Management and Construction Authority through the District of Columbia Public Schools capital budget, subject to the requirements of section 103.”.

(b) Section 103 is amended by striking the phrase “Board of Education” wherever it appears and inserting the phrase “District of Columbia Public Education Facilities Management and Construction Authority” in its place.

(c) Section 203 is amended to read:

“Sec. 203. Annual adoption of Capital Improvement Plan and Budget.

“No later than October 1, 2007, and no later than 90 days prior to commencement of each fiscal year thereafter, the Chief Executive Officer of the District of Columbia Public Education Facilities Management and Construction Authority, in consultation with the Chancellor of the District of Columbia Public Schools, shall develop and submit to the Mayor and Council a detailed Capital Improvement Plan and Budget to implement the approved Facilities Master Plan for the District of Columbia Public Schools. For each proposed capital project, the Capital Improvement Plan and Budget shall include a description of the scope of work to be done, the justification for the work per the Facilities Master Plan, the estimated project cost and schedule, and measurable benchmarks to be achieved by the end of the fiscal year for each project.”

Sec. 911. 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:

(a) Section (a) is amended by striking the phrase “June 30, 2006” and inserting the phrase “October 1, 2007” in its place.

(b) Section (c) is amended to read:

“(c) In developing the Facilities Master Plan, the Mayor shall consult with the Council, the Chief Executive Officer of the District of Columbia Public Education Facilities Management and Construction Authority, the Public Charter School Board, representatives of public charter schools, and the Public School Modernization Advisory Committee, and shall consider the facilities needs of all public school students.”

(c) Section (d) is amended by striking the phrase “Board of Education” and inserting the word “Mayor” in its place.

Sec. 912. Section 2552 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1805.52) is amended by striking the phrase “Superintendent and Board of Education” and inserting the word “Mayor” in its place.

TITLE X. FISCAL IMPACT; EFFECTIVE DATE

Sec. 1001. Fiscal Impact.

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. 1002. Applicability.

Title I, III through VI, and IX of this act shall not apply until Title II becomes effective.

Effective date.

Title II, VII, and VIII of this act shall take effect as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03). The remaining titles shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action 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.

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites.

The Board will also consider the nomination of the properties to the National Register of Historic Places in conjunction with a companion "Memorials in Washington, D.C." multiple-property thematic document (Case #07-04):

Case No. 07-05: Samuel Hahnemann Monument

Reservation 64, Massachusetts and Rhode Island Avenues, NW at Scott Circle

Case No. 07-06: Daniel Webster Memorial

Reservation 62, Massachusetts and Rhode Island Avenues, NW at Scott Circle

Case No. 07-07: Guglielmo Marconi Memorial

Reservation 309A, 16th and Lamont Streets, NW

Case No. 07-08: Henry Wadsworth Longfellow Memorial

Reservation 150, Connecticut Avenue and M and 18th Streets, NW

Case No. 07-09: Francis Griffith Newlands Memorial Fountain

Reservation 335A, Connecticut and Western Avenues, NW at Chevy Chase Circle

Case No. 07-10: Union Station Plaza/Columbus Plaza/Columbus Fountain

Reservation 334, Massachusetts, Louisiana and Delaware Avenues and 1st Street, NE

Case No. 07-11: Temperance Fountain (Fountain)

7th Street and Indiana Avenue, NW

Case No. 07-12: Samuel Gompers Memorial

Reservation 69, Massachusetts Avenue and 10th and L Streets, NW

Case No. 07-13: James Cardinal Gibbons Memorial

Reservation 309G, 16th Street and Park Road, NW

Case No. 07-14: Cuban Friendship Urn

Reservation 332, Ohio Drive at 14th Street Bridge, SW

Case No. 07-15: General Jose de San Martin Memorial

Reservation 106, Virginia Avenue and 20th Street, NW

Case No. 07-16: Francis Asbury Memorial

Reservation 309B, 16th and Mount Pleasant Streets, NW

Case No. 07-17: Titanic Memorial

Reservation 717, Southwest Waterfront Park, Water and P Streets, SW

The hearing will take place at **10:00 a.m. on Thursday, February 22, 2007**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10 DCMR 26). A copy of the rules can be obtained from the Historic Preservation Office at 801 North Capitol Street, NE, Room 3000, Washington, DC 20002, or by phone at (202) 442-8800.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or

individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

The applicant for each of the nominations is the National Park Service, the owner of the properties on which they stand. The Park Service is requesting review by the Board in its capacity as a state review board for the purpose of recommending and forwarding such nominations to the National Register.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the properties, they will be included in the D.C. Inventory of Historic Sites, but as federally property, they will not be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978 unless the ownership or jurisdiction changes. The Review Board will simultaneously consider the nomination of the properties to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects:

Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal

Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 20, 2007
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

**9:30 A.M. TO 12:00 P.M. MORNING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION**

A.M.

WARD SIX

17579
ANC-6B **Application of Keith Catanzano, pursuant to 11 DCMR § 3104.1, for a special exception to allow the construction of an accessory structure serving a single-family row dwelling under section 223, not meeting the lot occupancy (section 403) requirements in the R-4 District at premises 1235 Independence Avenue, S.E. (Square 1015, Lot 144).**

WARD SIX

17580
ANC-6B **Application of Macy Development LLC, pursuant to 11 DCMR § 3103.2, for a variance from the residential recreation space requirements under section 773 to build an eight (8) unit residential condominium building in the C-2-A District at premise 284 15th Street, S.E. (Square 1073, Lot 803).**

WARD SIX

17582
ANC-6B **Application of 656 Pennsylvania Avenue LLC, 666 Pennsylvania Avenue Associates and 327 7th ST SE LLC, pursuant to 11 DCMR § 3103.2, for a variance from the building height requirements under section 770, a variance from the floor area ratio requirements under subsection 1572.3, and a variance from the off-street parking requirements under subsection 2101.1, to construct an office addition to several contiguous buildings in the CHC/C-2-A District at premises 656 Pennsylvania Avenue, S.E., 660 Pennsylvania**

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Avenue, S.E., 325 7th Street, S.E., and 327 7th Street, S.E. (Square 873, Lots 115, 116 and 117).

P.M.

WARD FOUR

17600 **Application of Dakota Square LLC**, pursuant to 11 DCMR §
ANC-4B 3103.2, for a variance from the loading berth requirements under
 subsection 2201.1, to allow the construction of a mix-use
 (commercial/residential) building in the C-2-A District at premises
 300-320 Riggs Road, N.E. (Square 3748, Lot 52).

WARD TWO

17581 **Appeal of Edward B. Rooths**, pursuant to 11 DCMR §§ 3112, from
ANC-2F the administrative decision of the Zoning Administrator (ZA),
 Department of Consumer and Regulatory Affairs (DCRA) to revoke
 Certificate of Occupancy Permit No. CO 109733, dated September
 12, 2006, for a Dry Cleaning Pick-Up Only establishment. The
 subject property is located in the R-5-C District at premises at 1312
 13th Street, N.W. (Square 243, Lot 12).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial.

The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4 of the Regulations, the Board will impose time limits on the testimony of all individuals.

Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board. Individuals and organizations wishing party status in any case before the Board must request that

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status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board

through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

GEOFFREY H. GRIFFIS, CHAIRPERSON, RUTHANNE G. MILLER, VICE CHAIRPERSON, CURTIS L. ETHERLY, JR., JOHN A. MANN II, AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.

PHN 3/20/07 rsn