

ENROLLED ORIGINAL

A RESOLUTION

15-763

THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To approve the transfer of jurisdiction from the District of Columbia to the United States, by and through the Department of the Interior, National Park Service (National Capital Region), over those portions of public land in Square 1171 over which jurisdiction was transferred to the District of Columbia pursuant to that Transfer of Jurisdiction Plat dated November 22, 1968, and recorded in Plat Book 139 on Page 13 in the Office of the Surveyor for the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Transfer of Jurisdiction of a Portion of Square 1171 Approval Resolution of 2004".

Sec. 2. Pursuant to section 1 of An Act To Authorize the transfer of jurisdiction over public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Official Code § 10-111), the Council of the District of Columbia approves the transfer of jurisdiction from the District of Columbia to the United States, by and through the Department of the Interior, National Park Service (National Capital Region), for any purposes consistent with the Georgetown Waterfront Park Plan, as approved by the National Capital Planning Commission ("NCPC") in the NCPC Report to the National Park Service dated June 26, 1986, and as shown on the Surveyor's plat under S.O. 04-13673, those portions of public land over which jurisdiction was transferred from the General Services Administration to the District of Columbia, as shown on that Transfer of Jurisdiction Plat dated and recorded with the Office of the Surveyor for the District of Columbia on November 22, 1968, in Plat Book 139 on Page 13.

Sec. 3. The Surveyor of the District of Columbia shall assure that all necessary approvals have been obtained and agreements executed prior to recording the transfer of jurisdiction hereby approved and accepted.

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Sec. 4. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon adoption, each to the Mayor of the District of Columbia, to the Surveyor of the District of Columbia, to the Speaker of the United States House of Representatives, to the President Pro Tempore of the United States Senate, to the Executive Director of the National Capital Planning Commission, to the Director of the General Services Administration, the Director of the National Park Service, and to the Regional Director of the National Capital Parks, National Park Service.

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

Sec. 6. This resolution shall take effect immediately.

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A RESOLUTION

15-766

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To confirm the appointment of Dr. Guitele Nicoleau to the District of Columbia Board of Library Trustees.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Board of Library Trustees Guitele Nicoleau Confirmation Resolution of 2004".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Dr. Guitele Nicoleau
3819 Nash Street, S.E.
Washington, D.C. 20020
(Ward 7)

as a member of the District of Columbia Board of Library Trustees, established by section 4 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-104), replacing Phillip E. Pannell, whose term will end January 5, 2005, for a term to end January 5, 2010.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

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A RESOLUTION

15-787

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 7, 2004

To declare, on an emergency basis, the sense of the Council concerning the establishment of an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council in Support of the Equal High Quality Education Amendment to the Constitution Emergency Resolution of 2004".

Sec. 2. The Council finds that:

(1) On March 4, 2003, in the United States House of Representatives, Congressman Jesse Jackson, III, along with 35 co-sponsors, introduced a Joint Resolution Proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality.

(2) The proposed Article 3 would read as follows:

"Section 1. All citizens of the United States shall enjoy the right to a public education of equal high quality.

"Section 2. The Congress shall have power to implement this article by appropriate legislation."

(3) One of the biggest challenges for education reform is dealing with the socio-economic realities associated with the so-called "haves" and "have nots" in our society. Giving all children a sound educational foundation has become part of our new civil rights challenge.

(4) On March 21, 1973, the U.S. Supreme Court decidedly limited the efficacy of Brown v. Board of Education, 347 U.S. 483 (1954), in San Antonio Independent School District et al. v. Rodriguez et al., 411 U.S. 1 (1973), when it held that education is not among the fundamental rights afforded explicit protection under the constitution.

(5) Because the right to education, according to the Supreme Court, is not in the Constitution, and the Supreme Court has "never presumed to possess either the ability or the authority to guarantee to the citizenry the most effective speech or the most informed electoral choice," 411 U.S. 1, 36, the fundamental right to a public education of equal quality must be

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established by the legislature.

(6) On January 8, 2002, the President of the United States, George W. Bush, signed into law, the No Child Left Behind Act of 2001, P.L. 107-110.

(7) The stated purpose of Title I—Improving the Academic Achievement of the Disadvantaged within the No Child Left Behind Act of 2001, is “to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging State academic achievement standards and state academic assessments,” 20 USC 6301.

(8) To date, the federal legislative purpose of Title I of the No Child Left Behind Act of 2001, has not been accompanied by federal funding to support the purpose.

(9) The District of Columbia can benefit legislatively if it supports efforts that ensure that all children have equal access to a high quality public education as a fundamental right.

(10) A constitutional amendment that creates a fundamental right to a public education of equal high quality will assist in improving educational opportunities for all citizens, and place them on the path to equal participation in exercising all fundamental rights with knowledge and skills to obtain employment, liberty, and the pursuit of happiness under the law.

(11) A constitutional amendment, creating education as a fundamental right will ensure that equal access to the benefits of a public education are provided to all citizens.

(12) The Council strongly supports providing federal funding to support the provision of an equal high quality education for all public school students.

(13) As the 108th Congress recesses, the Council resolves that the provision of funding for an equal high quality education for all public school students should be among the first priorities of the next Congressional legislative session.

(14) As the next Congress commences its work, the Council resolves that the Congress should make the provision of support for an equal high quality education for all students its first priority.

Sec. 3. It is the sense of the Council that supporting the education amendment introduced by Representative Jesse Jackson, Jr., is in the best interests of the citizens of the District of Columbia, because it would establish a higher level of judicial scrutiny for implementation of the No Child Left Behind Act of 2001, provide support for increased funding to provide a high quality education for all students and potentially improve the responsiveness of the federal education infrastructure to the needs of the District of Columbia, its students and its residents.

Sec. 4. Fiscal impact statement.

There is no fiscal impact associated with this resolution.

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Sec. 5. The Secretary shall transmit this resolution to both houses of the Congress of the United States upon adoption.

Sec. 6. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.