

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-465

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 30, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2004 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, 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 to sunset the hybrid Board of Education by January 2, 2009, to re-establish a Board structure in which 8 Board members are elected from each ward, one member is elected at-large, and the president is selected by and from among the 9 Board members, to provide that all Board member terms shall expire on January 2 of the appropriate year, to provide that the terms of the 2 board members appointed for terms to begin January 2, 2007, shall expire at noon January 2, 2009, to provide that the terms of the 2 members of the Board of Education elected in 2006 from School Districts III and IV, and the President elected in 2006, shall expire on January 2, 2009; and to amend the District of Columbia Election Code of 1955 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Education Continuity and Transition Emergency Amendment Act of 2004".

Sec. 2. Section 2 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. 316; D.C. Official Code § 38-101 *et seq.*), is amended as follows:

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

"(a)(1) Beginning July 7, 2000, and ending at noon January 2, 2009, the Board of Education shall consist 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 paragraph (2) of this subsection. One member shall be elected at-large as the president of the Board.

"(2) Beginning July 7, 2000, and ending at noon January 2, 2009, the 4 school districts for the election of Board members pursuant to paragraph (1) of this subsection, shall be comprised of the 8 election wards created pursuant to section 2 of the Boundaries Act of 1975,

Note,
§ 38-101

ENROLLED ORIGINAL

effective December 16, 1975 (D.C. Law 1-38; D.C. Official Code § 1-1011.01), as follows:

- "(A) Wards 1 and 2 shall comprise School District I;
- "(B) Wards 3 and 4 shall comprise School District II;
- "(C) Wards 5 and 6 shall comprise School District III; and
- "(D) Wards 7 and 8 shall comprise School District IV.

"(3) Beginning January 2, 2009, the Board of Education shall consist of 9 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 Board shall select its President from among the 9 members of the Board."

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

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

(A) Strike the phrase "paragraph (3)(C) and (3)(D)" and insert the phrase "paragraph (3)(C), (E), and (F)" in its place.

(B) Strike the phrase "including the President" and insert the phrase "including the at-large member" in its place.

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (A) is amended to read as follows:

"(A)(i) The term of office of a member of the Board of Education 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.

"(ii) The term of a member elected from a school district or appointed pursuant to subsection (a)(1) of this section shall expire at noon January 2, 2009."

(B) Subparagraph (D) is repealed.

(C) New subparagraphs (E) and (F) are added to read as follows:

"(E)(i) The 2 members of the Board of Education elected in 2006 from School Districts III and IV and the President elected in 2006 shall serve through January 2, 2009.

"(ii) The 2 members of the Board of Education appointed by the Mayor and confirmed by the Council for terms to begin January 2, 2007, shall serve through January 2, 2009.

"(F) The initial terms of the members of the 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 7 shall serve 2 year terms, ending at noon January 2, 2011; and

"(ii) The 4 members elected from wards 2, 4, 6 and 8 and the member elected at-large shall serve 4 year terms, ending at noon January 2, 2013."

(c) Subsection (c)(1) is amended by adding the phrase "or ward" after the phrase

ENROLLED ORIGINAL

“special school district”.

(d) Subsection (f) is amended by striking the phrase “subsection (b)(3)(C)” and inserting the phrase “subsection (b)(3)(C) and (E)” in its place.

Sec. 3. Section 8(n) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.08(n)), is amended by adding the phrase “or ward” after the phrase “school district” wherever it appears.

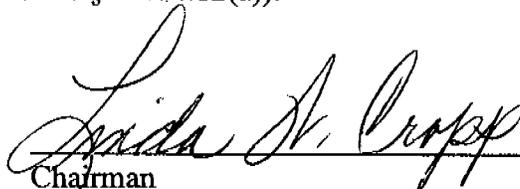
Note,
§ 1-1001.08

Sec. 4. Fiscal impact statement.

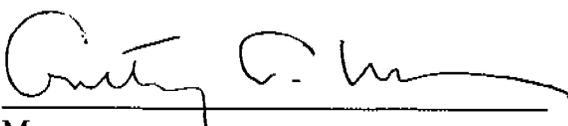
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-233(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 30, 2004

**-COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: 06-15-04
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Subject/Short Title: Board of Education Continuity and Transition Emergency Amendment Act of 2004

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	()
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	(x)	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()

Explanation: The bill maintains the current structure for the Board of Education (Board). Elections will be held as anticipated in 2004 and 2006. The change in the election of the Board will occur in November 2008 (FY 2009) concurrent with other elections already scheduled. Therefore, the fiscal impact will be minimal.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. Board of Education and Board of Elections and Ethics (BOEE)	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The BOEE will not have the guidance necessary to determine who is eligible to be a candidate in the November school board elections.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(x)	()