

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.

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To amend, on an emergency basis, the Pre-k Enhancement and Expansion Amendment Act of 2008 to require that administrative and procedural rules for the pre-k program assistance grant program be submitted to the Council for review and approval, to establish a State Early Childhood Development Coordinating Council to improve coordination and collaboration among entities carrying out federally funded and District-funded pre-k and other early childhood programs, to require the University of the District of Columbia to convene a collaborative of District of Columbia colleges and universities to develop a pre-k workforce development plan to be submitted to the Council by March 15, 2010, to establish a higher education incentive grant program and a scholarship program for the purpose of increasing the number of pre-k teachers and assistants who meet high-quality degree and credential requirements, to transfer the authority to establish a higher education incentive grant program and a scholarship program from the Office of the State Superintendent of Education to the University of the District of Columbia, and to establish the Higher Education Incentive Grant Fund; and to amend the District of Columbia Public Postsecondary Education Reorganization Act to add to the duties of the Trustees of the University of the District of Columbia the duty to serve as the coordinator of the state system for pre-k teacher preparation, professional development, and training and to convene the collaborative, develop the plan, and establish the programs required by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pre-k Acceleration and Clarification Emergency Amendment Act of 2010".

Sec. 2. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-271.01) is amended as follows:

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

"(1) "Community-based organization" or "CBO" means a Head Start or early childhood education program operated by a nonprofit entity, faith-based organization, or organization that participates in federally funded or District-funded early childhood programs, including the child care subsidy program funded by the federal Child Care and Development

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§ 38-271.01

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Fund.”.

(2) Paragraph (3) is amended by striking the word “by” and inserting the phrase “pursuant to” in its place.

(3) A new paragraph (2A) is added to read as follows:

“(2A) “HEIG fund” means the Higher Education Incentive Grant Fund established by section 403.”.

(4) A new paragraph (3A) is added to read as follows:

“(3A) “HEI scholarship program” means the scholarship program established pursuant to sections 401 and 402.”.

(b) Section 102(b) (D.C. Official Code § 38-271.02(b)) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

“(2) In regard to pre-k programs in public schools and public charter schools, consult with local education agencies and the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), to ensure that the goals of this act are met.”.

(2) Paragraph (8) is repealed.

(c) A new section 107 is added to read as follows:

“Sec. 107. State Early Child Development Coordinating Council; establishment.

“(a) Within 45 days of the effective date of the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 8-603), the Mayor shall establish and convene a State Early Childhood Development Coordinating Council (“Coordinating Council”) to:

“(1) Improve collaboration and coordination among entities carrying out federally funded and District-funded pre-k and other early childhood programs to improve school readiness;

“(2) Assist in the planning and development of a comprehensive early childhood education system that serves children ages birth to 8 years of age; and

“(3) Comply with the Head Start Act, approved December 12, 2007 (Pub. L. No. 110-134; 121 Stat. 1363).

“(b) The Coordinating Council shall:

“(1) Identify opportunities for collaboration and coordination among early childhood education entities;

“(2) Review the annual pre-k report to the Council required by section 105 and submit to the OSSE additional recommendations to improve the quality of and expand access to pre-k and other early childhood programs to be submitted to the Council along with the annual pre-k report;

“(3) Develop recommendations to:

“(A) Increase participation of children in existing pre-k and other early childhood programs;

“(B) Improve the quality of pre-k and other early childhood programs;

“(C) Support the implementation of pre-k workforce development

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(a) The OSSE shall develop high-quality content standards and program requirements (d) Section 201(a) (D.C. Official Code § 38-272.01(a)) is amended to read as follows:

Note, § 38-272.01

(2) A quorum to transact business shall consist of 50% plus one of the members who are appointed and serving. (d)(1) Two people appointed pursuant to subsection (c)(2) of this section shall be appointed co-chairs, one by the Mayor. The co-chairs shall convene the Coordinating Council no fewer than 4 times each year for the purpose of gathering public input on the Coordinating Council's recommendations.

- (K) Any additional category identified by the Coordinating Council as necessary or appropriate.
- (J) DC Collaborative; and
- (I) Philanthropic community;
- (H) Business community;
- (G) Early childhood advocacy organizations;
- (F) Public charter school support organizations;
- (E) Public charter schools;
- (D) Public schools;
- (C) Community-based organizations;
- (B) Head Start;

(A) Families whose children are receiving or have received pre-k-education services; following categories, to serve a term of 2 years:

(2) The following members, who shall be appointed by the Chairman of the Council or the Mayor, with each appointing at least one District resident from each of the

agency; and

- (K) Director of the entity designated as the state resource and referral
- (J) State Director for Head Start Collaboration; and
- (I) Director of the Child and Family Services Agency;
- (H) Director of the Department of Human Services;
- (G) Director of the Department of Mental Health;
- (F) Director of the Department of Health;
- (E) Executive Director of the Public Charter School Board;
- (D) Chancellor of the District of Columbia Public Schools;
- (C) State Superintendent of Education;
- (B) Chairman of the Council of the District of Columbia
- (A) Mayor;

(1) The following members, or their designees, the: (c) The Coordinating Council membership shall consist of: (4) Perform other tasks as determined by the Mayor. (D) Improve state early learning policies; and

programs; and

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that pre-k programs that receive funds under this act are required to meet by September 1, 2014.”.

(e) Section 203 (D.C. Official Code § 38-272.03) is amended as follows:

Note, § 38-272.03

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

“(a) The OSSE shall establish and administer a grant program to assist existing and new pre-k programs in public schools, public charter schools, and CBOs in meeting the required HQ standards. Each grant shall be a 2-year grant.”.

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

“(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue administrative and procedural rules for the grant program and HQ standards and submit the rules within 45 days of the effective date of the Pre-K Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 18-603). If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.”.

(f) Section 302(b) (D.C. Official Code § 38-273.02(b)) is amended by striking the phrase “then to children” and inserting the phrase “then, if applicable, to children” in its place.

Note, § 38-273.02

(g) Section 401 (D.C. Official Code § 38-274.01) is amended to read as follows:

“Sec. 401. DC Collaborative; HEI program; HEI scholarship program; career and compensation plan.

Note, § 38-274.01

“(a) The University of the District of Columbia shall establish and convene a collaborative of District of Columbia colleges and universities (“DC Collaborative”) to craft the HEI program and HEI scholarship program, in collaboration with the Office of the State Superintendent of Education, for the purpose of increasing the number of teachers and assistant teachers in public schools, public charter schools, and CBOs who are meeting degree and credential requirements established by the OSSE pursuant to section 201.

“(b)(1) The DC Collaborative shall develop a pre-k workforce development plan, which shall include:

“(A) A clearly articulated vision statement of how the DC Collaborative intends to attract and retain a highly-qualified pre-k workforce;

“(B) Stated goals and strategies based upon a needs assessment of the current pre-k workforce in public schools, public charter schools, and CBOs and a review of higher education institutional capacity;

“(C) The scope and structure of the HEI program and the HEI scholarship program; and

“(D) A timeline and benchmarks for the planning and implementation of the HEI program and the HEI scholarship program.

“(2) The University of the District of Columbia shall submit the pre-k workforce development plan to the Council for review by March 15, 2010.

“(c) As the convener of the DC Collaborative, the University of the District of Columbia shall facilitate the development and implementation of the HEI program, including

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the distribution of funds to higher education institutions according to their capacity or need, and the HEI scholarship program.

“(d) The University of the District of Columbia shall submit to the OSSE, a proposed career and compensation plan under which a teacher in the CBO sector will be compensated once the teacher meets the degree and credentials requirements established by the OSSE pursuant to section 201.”

(h) A new section 401a is added to read as follows:

“Sec. 401a. Transfer of authority, assets, and funds.

“(a) The authority to establish the HEI program and the HEI scholarship program is transferred from the OSSE to the University of the District of Columbia.

“(b) Within 30 days of the effective date of the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of B18-603), any real and personal property, positions, assets, and records relating to the HEI program or the HEI scholarship program, or to the planned establishment of the programs, shall become the property of the University of the District of Columbia, and any unexpended balances of appropriations, allocations, or other funds available or to be made available to the OSSE for the HEI program or the HEI scholarship program, or the planned establishment of the programs, shall be transferred to the HEIG fund.”

(i) Section 402 is amended as follows:

(A) Strike the phrase “to pre-k teachers and assistant teachers”.

(B) Strike the acronym “OSSE” both times it appears and insert the phrase “the University of the District of Columbia” in its place.

(j) A new section 403 is added to read as follows:

“Sec 403. Higher Education Incentive Grant Fund; establishment.

“(a)(1) There is established as nonlapsing fund, the Higher Education Incentive Grant Fund (“HEIG fund”), which shall be a separate program line within the University of the District of Columbia budget. All funds deposited into the HEIG fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

“(2) The HEIG fund shall be funded through:

“(A) Local funds;

“(B) Federal funds;

“(C) Federal grant funds; and

“(D) Grants, gifts, or subsidies from public or private sources.

“(b) The funds in the HEIG fund shall be used:

“(1) To fund the HEI program and the HEI scholarship program;

“(2) For administrative costs and monitoring of the HEIG fund, not to exceed 10% of the fund balance per fiscal year; and

“(3) To develop the pre-k workforce development plan in accordance with

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section 401.”.

Sec. 3. Conforming amendment.

Section 206 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code § 38-1202.06), is amended by adding a new paragraph (19) to read as follows:

“(19)(A) Coordinate the state system, in accordance with federal requirements, for pre-k teacher preparation, professional development, and training;

“(B) Establish a collaborative of District of Columbia colleges and universities to craft a higher education incentive grant program and a scholarship program and develop a pre-k workforce development plan, as required by section 401 of the Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-274.01)(Pre-k act”); and

“(C) Establish the higher education incentive grant and scholarship program for the purpose of increasing the number of highly-qualified pre-k teachers and assistant teachers who are eligible to teach in a high-quality pre-k classroom as of September 1, 2014, as set forth in section 401 of the Pre-k act.”.

Sec. 4. Fiscal impact statement.

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

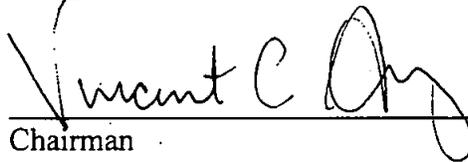
Sec. 5. Effective date.

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

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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

UNSTIGNED
Mayor
District of Columbia
January 27, 2010

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AN ACT

D.C. ACT 18-305

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 3, 2010*Codification
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To require, on an emergency basis, the Chief Financial Officer to stop payment on all retroactive contracts that have not been received by the Office of the Secretary to the Council by January 26, 2010, and ratified by the Council by act on February 3, 2010, and to require written confirmation from the Mayor, the City Administrator, or the Chief Procurement Officer that all known retroactive contracts have been submitted to the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unauthorized Contract Stop Payment Extension Emergency Act of 2010".

Sec. 2. The Council finds that:

(1) For option-year contracts:

(A) All option-year contracts over \$1 million are required by law to be sent to the Council for review.

(B) Section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51) ("HRA"), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a) ("PPA"), unambiguously provide that option-year contracts over \$1 million shall be submitted to the Council.

(C) Notwithstanding the clear requirements of the HRA and of the PPA, the Council restated and further clarified that option-year contracts over \$1 million must be submitted to the Council in the Criteria for Council Review of Contract Options Clarification Emergency Amendment Act of 2009, effective October 15, 2009 (D.C. Act 18-207; 56 DCR 8228), and the Criteria for Council Review of Contract Options Clarification Amendment Act of 2009, passed on 4th reading on September 22, 2009 (Enrolled version of B18-203).

(D) A contract is either a multiyear contract that requires active Council approval, or it is a one-year contract and its option years must be resubmitted to the Council for review and approval.

(E) The January 7, 2009, opinion e-mailed from the Attorney General to

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all agency contracting officers stating that option-year contracts do not have to be submitted to the Council is contrary to the clear letter of the law and of no effect.

(F) Any option-year contract that is over \$1 million and has not been submitted to the Council in accordance with the HRA is in violation of section 451 of the HRA.

(2) For contracts with independent agencies:

(A) All independent agency contracts over \$1 million shall be sent to the Council through the same review process for contracts of subordinate executive agencies.

(B) All multiyear independent agency contracts shall be sent to the Council for active approval.

(C) Any independent agency contract not submitted to the Council in accordance with the HRA is in violation of section 451 of the HRA.

(3) For retroactive contract payment authorization:

(A) All contracts that have not properly been submitted to the Council are in violation of section 451 of the HRA, unless ratified by an act of the Council.

(B) The memorandum of opinion of the Attorney General, dated October 26, 2009, which states that contracts entered into unlawfully are nonetheless legally binding, is contrary to the clear letter of the law and of no effect.

Sec. 3. (a) Based upon the findings in section 2, the Council directs the Chief Financial Officer to stop payment on all retroactive contracts with authority of over \$1 million (including option-year and independent Executive branch agency contracts), issued from January 1, 2009, to December 31, 2009:

(1) On January 27, 2010, unless these contracts have been received by the Office of the Secretary to the Council on or before the close of business on January 26, 2010; and

(2) On February 3, 2010, unless these contracts have been ratified by the Council by act.

(b) Written correspondence shall be provided by January 26, 2010 to the Council of the District of Columbia and the Office of the Chief Financial Officer that has been signed by the Mayor, the City Administrator, or the Chief Procurement Officer affirming that all known retroactive contracts with authority of over \$1 million (including any option-year and independent Executive branch agency contracts that the Executive is aware of), issued from January 1, 2009, to December 31, 2009, have been submitted to the Council for ratification.

Sec. 4. Repealer.

The Unauthorized Contract Stop Payment Emergency Act of 2009, effective January 13, 2010 (D.C. Act 18-281; 57 DCR __), and the Unauthorized Contract Stop Payment Temporary Act of 2009, passed on 2nd reading on January 5, 2010 (Enrolled version of B18-587), are repealed.

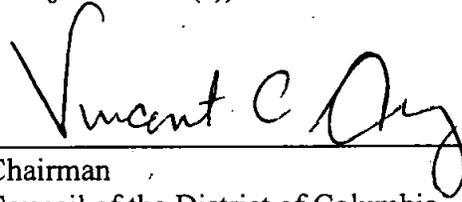
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Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), 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

UNSIGNED

Mayor
District of Columbia
February 2, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-306

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 3, 2010

To amend the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005 to authorize the Director of the Department of Small and Local Business Development to impose fines for violations of the act, to require certain compliance documents and reports be provided to the District of Columbia Auditor, to eliminate certain responsibilities from the District of Columbia Small and Local Business Opportunity Commission, to establish certification categories for veteran-owned business enterprises, local manufacturing business enterprises, and joint venture business enterprises, to adjust the percentage points awarded for proposals of longtime resident businesses and to provide percentage points awarded for proposals of veteran-owned business enterprises and local manufacturing business enterprises, to establish reporting requirements for contractors on subcontracting, to revise the standard for assessing penalties for willful breaches of a subcontracting plan for utilization of certified business enterprises, to require that no more than 25% of the current certified business enterprise equity participation requirement may be in the form of development services, to require that if a developer is unable to meet the 20% certified business enterprise equity participation requirement that the District shall be the recipient of the outstanding certified business enterprise equity participation sum to be used to benefit vocational education programs and small businesses, to establish certain duties, responsibilities, and reporting requirements of the agencies and the Department of Small and Local Business Development, to expand the circumstances under which the District of Columbia Small and Local Business Opportunity Commission may revoke or suspend a certificate of registration for a business enterprise, to require the District of Columbia Small and Local Business Opportunity Commission to revoke the certificate of registration for a person or business enterprise that fails to cooperate with an audit or investigation conducted by the District of Columbia Auditor or the Council, to require the Department of Small and Local Business Development to establish a hotline for the reporting of violations, to require the Director of the Department of Small and Local Business Development to issue a report on dismissed complaints, to prohibit a contractor or business enterprise from identifying a certified business enterprise in a bid or proposal unless certain conditions are met, to prohibit a person from making false statements about whether an entity has certification, and to provide that the District of Columbia Auditor may

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conduct random audits of certification files to determine compliance with requirements of the act; and to amend the District of Columbia Procurement Practices Act of 1985 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Small and Local Business Development Amendment Act of 2009".

Sec. 2. The Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), is amended as follows:

(a) Section 2302 (D.C. Official Code § 2-218.02) is amended as follows:

(1) A new paragraph (12A) is added to read as follows:

"(12A) "Local manufacturing business enterprise" means a business as described in section 2339."

(2) Paragraph (15) is amended by striking the phrase "subject to personal income tax in the District of Columbia" and inserting the phrase "subject to personal income tax solely in the District of Columbia." in its place.

(3) A new paragraph (17) is added to read as follows:

"(17) "Veteran-owned business enterprise" means a business as described in section 2338."

(b) Section 2312 (D.C. Official Code § 2-218.12) is amended by adding a new subsection (g) to read as follows:

"(g) The Director shall have the authority to impose fines for violations of the act or the regulations implemented thereunder."

(c) Section 2313(c)(1) (D.C. Official Code § 2-218.13(c)(1)) is amended as follows:

(1) The introductory language is amended by striking the phrase ", Compliance, and Enforcement,".

(2) Subparagraph (E) is amended as follows:

(A) Strike the phrase "the Commission" and insert the phrase "the Commission and the District of Columbia Auditor" in its place.

(B) Strike the phrase "section 2322" and insert the phrase "section 2322, section 2350, and section 2353" in its place.

(3) Subparagraphs (F), (G), and (H) are repealed.

(d) Section 2322 (D.C. Official Code § 2-218.22) is amended to read as follows:

"Sec. 2322. Functions of the Commission.

"The Commission shall:

"(1) Hear all requested appeals by business enterprises upon the denial of an application for certification by the Department; and

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"(2) Take such other actions as are necessary or appropriate to carry out the responsibilities of the Commission under this subtitle."

(e) Section 2323 (D.C. Official Code § 2-218.23) is repealed.

(f) Section 2333(b) (D.C. Official Code § 2-218.33(b)) is amended as follows:

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

(2) Paragraph (2) is amended by striking the period and inserting the phrase "and" in its place.

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

"(3) The business enterprise has an average annualized gross receipts totaling \$75 million or less."

(g) New sections 2338, 2339, and 2339a are added to read as follows:

"Sec. 2338. Veteran-owned business enterprises.

"A business enterprise shall be eligible for certification as a veteran-owned business enterprise if the business enterprise:

"(1) Meets the definition of a small business enterprise as described in section 2332;

"(2) Is not less than 51% owned and operated by one or more veterans (as defined in 38 U.S.C. § 101(2));

"(3) In the case of any publicly owned business, not less than 51% of the stock of which is owned by one or more veterans; and

"(4) One or more veterans control the management and daily operations.

"Sec. 2339. Local manufacturing business enterprises.

"A business enterprise shall be eligible for certification as a local manufacturing business enterprise if the business enterprise:

"(1) Meets the definition of a local business enterprise as described in section 2331;

"(2) Makes a product through a process involving raw materials, components, or assemblies, usually on a large scale, with different operations divided among different workers;

"(3) Has an annual revenue of \$2 million in the manufactured product; and

"(4) Has its principal location of manufacturing in the District of Columbia.

"Sec. 2339a. Joint venture business enterprises.

"(a) A business enterprise shall be eligible for certification as a joint venture business enterprise if the joint venture has a member that owns a majority interest or minority interest in the joint venture business enterprise and meets the definition of a certified business enterprise pursuant to section 2302.

"(b) For the purposes of this section, the term:

"(1) "Majority interest" means:

"(A) More than 50% of the total combined voting power of all classes of stock of the joint venture business enterprise or more than 50% of the total value of all of the joint venture business enterprise;

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"(B) A financial contribution to the enterprise of more than 50%; and

"(C) More than 50% of the total interest in the capital, profits, and loss, or beneficial interest in the joint venture business enterprise.

"(2) "Minority interest" means:

"(A) Less than 50% of the total combined voting power of all classes of stock of the joint venture business enterprise or less than 50% of the total value of all of the joint venture business enterprise;

"(B) A financial contribution to the enterprise of less than 50%; and

"(C) Less than 50% of the total interest in the capital, profits, and loss, or beneficial interest in the joint venture business enterprise.

"(c) The Department shall consider the defined contributions and defined benefits provided by each member of the joint venture, which shall be demonstrated by the following information:

"(1) Organizational documents of the joint venture, including the joint venture agreement, the operating agreement, and any other agreement between or among the members; and

"(2) Documentation of the financial contribution of each member, including access to bank records and organizational resolutions and agreements.

"(d) Decisions concerning the affairs of the business shall require the consent of those members with voting rights holding at least a majority interest in the business."

(h) Section 2343(a)(1) is amended as follows:

(1) Subparagraph (C) is amended by striking the phrase "Ten points" and inserting the phrase "Five points" in its place.

(2) Subparagraph (E) is amended by striking the word "and".

(3) Subparagraph (F) is amended by striking the period and inserting the phrase "; and" in its place.

(4) New subparagraphs (G) and (H) are added to read as follows:

"(G) Two points for a veteran-owned business enterprise"; and

"(H) Two points for a local manufacturing business enterprise."

(i) Section 2346 (D.C. Official Code § 2-218.46), is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase "which a portion of the work is subcontracted" and inserting the phrase "excess of \$250,000, unless a waiver has been approved by the Office of Contracting and Procurement," in its place.

(B) A new paragraph (3) is added to read as follows:

"(3) For the purposes of this section, a business enterprise certified as a small business enterprise, local business enterprise, or disadvantaged business enterprise shall not have to comply with the requirements set forth in paragraphs (1) or (2) of this subsection."

(2) Subsection (d) is amended by striking the phrase "the solicitation requires submission of a certified business enterprise subcontracting plan" and inserting the phrase "the

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law requires subcontracting" in its place.

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

"(i) Beginning on the effective date of the Department of Small and Local Business Development Amendment Act of 2009, passed on 2nd reading on December 1, 2009 (Enrolled version of Bill 18-332), each developer or beneficiary shall provide a copy of the certified business agreement, which includes the subcontracting plan for utilization of certified business enterprises, within 10 business days of its execution to the Office of District of Columbia Auditor. A quarterly report shall be provided to the Department and the Office of District of Columbia Auditor by the developer or beneficiary, which shall include a list of each subcontractor identified in the subcontracting plan for utilization of certified business enterprises, and for each subcontract:

"(1) The price to be paid by the contractor to the subcontractor;

"(2) A description of the goods procured or the services contracted for; and

"(3) The amount paid by the contractor to the subcontractor."

(j) Section 2348 (D.C. Official Code § 2-218.48) is amended to read as follows:

"Sec. 2348. Enforcement and penalties for willful breach of subcontracting plan.

"(a) There shall be a rebuttable presumption that a contractor willfully breached a subcontracting plan for utilization of certified business enterprises in the performance of a contract if the contractor:

"(1) Fails to submit any required subcontracting plan monitoring or compliance report; or

"(2) Submits a monitoring or compliance report with the intent to defraud, by means of a false statement, failure to disclose information, or other fraudulent scheme or device.

"(b) The presumption that a contractor willfully breached a subcontracting plan for utilization of certified business enterprises may be rebutted with a showing, by clear and convincing evidence, of full compliance with the requirements set forth in the subcontracting plan for utilization of certified business enterprises.

"(c) A contractor that is found to have willfully breached a subcontracting plan for utilization of certified business enterprises shall be subject to the imposition of penalties, including monetary fines of \$ 15,000 or 5% of the total amount of the work that the contractor was to subcontract to certified business enterprises, whichever is greater, for each breach."

(k) Section 2349a (D.C. Official Code § 2-218.49a) is amended as follows:

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

"(a) Local business enterprises, small business enterprises, or disadvantaged business enterprises shall receive 20% in equity participation and 20% in development participation in all development projects supported by District funds and in all development projects that take place on District-owned property."

(2) A new subsection (a-1) is added to read as follows:

"(a-1)(1) No more than 25% of the total 20% equity participation requirement ("equal to 5%") set forth in subsection (a) of this section may be met by a certified business enterprise

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providing development services in lieu of a cash equity investment that will be compensated by the developer in the future at a date certain ("sweat equity contribution").

"(2) The developer and the certified business enterprise shall sign a service agreement describing the following:

"(A) A detailed description of the scope of work that the certified business enterprise will perform;

"(B) The dollar amount that the certified business enterprise will be compensated for its services and the amount the certified business enterprise is forgoing as an investment in a project;

"(C) The date or time period when the certified business enterprise will receive compensation;

"(D) The return, if any, the certified business enterprise will receive on its sweat equity contribution; and

"(E) An explanation of when the certified business enterprise will receive its return as compared to other team members or investors.

"(3) If a developer is unable to meet the 20% equity participation requirement, including sweat equity contribution and cash equity investment, the developer shall pay to the District the outstanding cash equity amount as a fee in lieu of the unmet equity participation requirement.

"(4) Any administrative costs associated with subsection (a)(3) of this section shall be reimbursed through fees collected by the District as a result of unmet equity and development participation requirements. The collected fees shall be used as follows:

"(A) Fifty percent shall be used to support vocational training programs benefitting District residents.

"(B) The remainder shall be used to provide:

"(i) Low-interest loans for small businesses located in a MainStreet, Great Street, or underserved area in the District; and

"(ii) Grants to small businesses negatively impacted by District subsidized construction or street-scaping projects.

"(5) The Office of the Deputy Mayor for Planning and Economic Development shall:

"(A) Issue a solicitation for the grant and loan applications described in paragraph (4)(B) of this subsection;

"(B) Manage, receive, and review the grant and loan applications; and

"(C) Determine which vocational training programs and small businesses shall receive assistance pursuant to paragraph (4)(A) and (B) of this subsection." .

(l) Section 2350 (D.C. Official Code § 2-218.50) is amended as follows:

(1) Subsections (f), (g), (h), and (i) are amended to read as follows:

"(f) Beginning with the first full quarter after the effective date of the Department of Small and Local Development Amendment Act of 2009, passed on 2nd reading on December 1,

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2009 (Enrolled version of Bill 18-332), each government corporation shall provide a quarterly report for every quarter, except for the 4th quarter, to the Department and to the District of Columbia Auditor within 30 days after the end of each quarter. The 4th quarter and annual report shall be submitted together. A quarterly report shall include the following information:

"(1) The dollar volume and percentage of awards to local, small, and disadvantaged business enterprises in construction and development projects;

"(2) The dollar volume and percentage of awards to local, small, and disadvantaged business enterprises in development projects as equity partners;

"(3) The dollar volume and percentage of awards to certified business enterprises for contracting and procurement of goods and services;

"(4) The dollar amount actually expended with local, small, and disadvantaged business enterprises in construction and development projects;

"(5) The dollar amount actually expended with certified business enterprises in development projects as equity partners; and

"(6) The dollar amount actually expended with certified business enterprises for contracting and procurement of goods and services.

"(g) Beginning with fiscal year 2006, each government corporation shall provide an annual report to the Department and to the District of Columbia Auditor within 45 days after the end of each fiscal year. The annual report shall include the information required to be included in the quarterly reports (with the dollar percentages and volumes calculated on an annual basis, including 4th quarter reports).

"(h) The District of Columbia Auditor shall monitor government corporation compliance with the reporting requirements of this section.

"(i) The Department shall review the annual report of a government corporation to determine whether the planned activities of the government corporation for the succeeding fiscal year are likely to enable the government corporation to achieve the goals set forth in this section. The Department shall make recommendations concerning activities in which the government corporation should engage in to meet or exceed the requirements set forth in this section. The Department's recommendations shall be submitted to the government corporation, the Commission, the Council, the Mayor, and the District of Columbia Auditor within 30 days of the government corporation's annual report submission."

(m) Section 2353 (D.C. Official Code § 2-218.53) is amended as follows:

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

"(a) Each agency shall submit a quarterly report to the Department and to the District of Columbia Auditor within 30 days after the end of each quarter, except for the 4th quarter report. When submitting a quarterly report, each agency shall list each expenditure as it appears in the general ledger from the expendable budget of the agency during the quarter, which shall include:

"(1) The name of the vendor from which the goods or services were purchased;

"(2) The vendor identification number as it appears in the general ledger;

"(3) A description of the goods or services;

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"(4) Whether the vendor was a certified small business enterprise;
"(5) The funding source for the expenditure (local, federal, capital, or other);
"(6) The date of the expenditure;
"(7) The dollar amount of the expenditure; and
"(8) The total expenditure on certified small business enterprises and the percentage the total expenditure on certified small business enterprises is of the total expenditure."

(2) Subsection (b) is amended by striking the phrase "the Department" and inserting the phrase "the Department and the District of Columbia Auditor" in its place.

(3) Subsection (e) is amended to read as follows:

"(e) The Department shall review the annual report of an agency to determine whether the planned activities of the agency for the succeeding fiscal year are likely to enable the agency to achieve the goals set forth in section 2341. The Department shall make recommendations on activities the agency should engage in to meet or exceed the goals set forth in section 2341. The Department's recommendations shall be submitted to the agency, the Office of District of Columbia Auditor, and the Council within 30 days of the agency's annual report submission."

(n) Section 2361 (D.C. Official Code § 2-218.61) is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase "Has been" and inserting the phrase "Has demonstrated its capability to perform and been" in its place.

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

(A) Subparagraph (D) is amended by striking the word "and" at the end.

(B) Subparagraph (E) is amended by striking the semicolon and inserting the phrase "; and" in its place.

(C) A new subparagraph (F) is added to read as follows:

"(F) Federal income taxes, both corporate and personal, as well as District taxes, both corporate and personal."

(3) Subsection (d) is amended by adding a second sentence to read as follows: "A business enterprise that is registered with the Department may voluntarily relinquish its registration as a certified business enterprise at any time prior to the expiration of the 2-year term."

(o) Section 2363 (D.C. Official Code § 2-218.63) is amended as follows:

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

(A) The introductory language is amended by striking the phrase "The Commission may revoke or suspend the" and inserting the phrase "After reasonable notice to a person or a business, and a reasonable opportunity to be heard, the Commission may revoke or suspend the" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1) Fraudulently obtained or held, or attempted to obtain or hold, certification;"

(C) New paragraphs (1A), (1B), and (1C) are added to read as follows:

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"(1A) Willfully obstructed or impeded, or attempted to obstruct or impede, a city official or employee investigating the qualifications of a business entity that has requested certification;

"(1B) In any certified business enterprise matter administered under this subtitle:

"(A) Fraudulently obtained, attempted to obtain, or aided another person in fraudulently obtaining or attempting to obtain, public moneys to which the person is not entitled under this subsection;

"(B) Willfully falsified, concealed, or covered up a material fact by any scheme or device;

"(C) Made a false or fraudulent statement or representation; or

"(D) Used a false writing or document that the person knows to contain a false or fraudulent statement or entry.

"(1C) Aided another person in performing an act prohibited under paragraphs (1), (1A), or (1B) of this subsection."

(C) Paragraph (3) is amended by striking the phrase "for certification" and inserting the phrase "for certification, including relocation of its principal office or change in ownership or control" in its place.

(D) Paragraph (4) is amended by striking the phrase "profession; or" and inserting the phrase "profession;" in its place.

(E) Paragraph (5) is amended by striking the period and inserting a semicolon in its place.

(F) New paragraphs (6), (7), and (8) are added to read as follows:

"(6) Misrepresented its capability to the Department and failed to perform satisfactorily in the performance of a contract;

"(7) No longer qualifies as a local business enterprise; or

"(8) Any other cause the Commission determines to be sufficiently serious and compelling to affect responsibility as a District government contractor, including revocation, suspension, or debarment by another governmental entity for any cause listed in rules and regulations."

(2) A new subsection (a-1) is added to read as follows:

"(a-1)(1) After reasonable notice to a person or business and reasonable opportunity to be heard by the Commission, the Commission shall revoke the certificate of registration of the person or business enterprise that has willfully failed to cooperate in an audit or investigation conducted by:

"(A) The District of Columbia Auditor pursuant to section 455 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.55); or

"(B) The Chairman of the Council or the chairperson of the Council committee that conducts an investigation pursuant to section 413 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 789; D.C. Official Code § 1-204.13).

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"(2) The revocation shall be for a period of 2 years, unless the Department receives written notification, from the Commission, that determines within the 2-year period that the affected business has cooperated in the audit or investigation referred to in paragraph (1) of this subsection and has come into full compliance for re-certification."

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

"(b)(1)(A) Any person may file with the Department a complaint alleging a violation of this subtitle against an applicant for registration or a business enterprise registered pursuant to this subtitle. The complaint shall be in writing, sworn to by the complainant, and notarized.

"(B) The Department shall establish a fraud hotline for reporting violations of this section.

"(2) The Department, without a hearing, may dismiss a complaint which it determines to be frivolous or otherwise without merit. If the Department dismisses a complaint, the Director shall prepare a report documenting the following:

"(A) A statement detailing the complaint, including the name, address, and telephone number of the person filing the complaint;

"(B) The name of the applicant for registration or business enterprise alleged to be in violation of this subtitle;

"(C) The facts and legal authority considered in rendering the determination; and

"(D) Any other information considered in rendering the determination.

"(3) The Director shall maintain a record listing all complaints, which shall contain the following information:

"(A) The name of the applicant or business enterprise alleged to be in violation of this subtitle;

"(B) The date the complaint was made to the Department; and

"(C) A description of the complaint."

(4) A new subsection (d-1) is added to read as follows:

"(d-1) The Department may at any time reissue a certificate of registration to any firm or joint venture whose certificate has been revoked. The Department may consider whether the firm or joint venture should be required to submit satisfactory proof that conditions within the company that led to the violation have been corrected."

(5) A new subsection (f) is added to read as follows:

"(f) The Department may downgrade the certification of registration of a business enterprise that ceases to meet the requirements of a particular category of certification; provided, that this subsection shall not apply where a business enterprise ceases to qualify as a local business enterprise."

(p) New sections 2364 and 2365 are added to read as follows:

"Sec. 2364. Identification of certified business enterprises in bids or proposals; false statements on certification; penalties.

"(a)(1) Except as otherwise provided by law, a contractor or business enterprise may not:

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“(A) Identify a certified business enterprise in a bid or proposal unless it:

“(i) Has requested, received, or otherwise obtained authorization from the certified business enterprise to identify the certified business enterprise in its bid or proposal;

“(ii) Has notified the certified business enterprise before execution of the contract of its inclusion in the bid or proposal; and

“(iii) Uses the certified business enterprise in the performance of the contract; or

“(B) Pay the certified business enterprise solely for the use of its name in the bid or proposal.

“(2) A person who violates any provision of this subsection is guilty of a felony and, upon conviction, subject to a fine not to exceed \$15,000, imprisonment, or both.

“(b)(1) A person may not make false statements about whether an entity has business enterprise certification.

“(2) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, subject to a fine not to exceed \$5,000, imprisonment not to exceed one year, or both.

“Sec. 2365. Certification audits.

“The District of Columbia Auditor may conduct random audits of certification files to determine whether the Department followed the requirements set forth in section 2361. The District of Columbia Auditor shall submit findings and recommendations to the Department and the Council.”

Sec. 3. Section 804(b)(4) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-308.04(b)(4)), is amended to read as follows:

“(4) A violation under section 814(a) or the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*);”

Sec. 4. Fiscal impact statement.

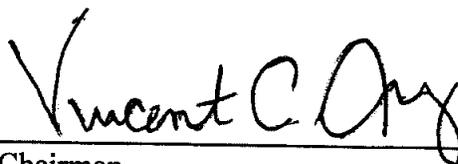
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
February 2, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 6, 2010

Codification
District of
Columbia
Official Code

2001 Edition

2010 Summer
Supp.

West Group
Publisher

To amend, on a temporary basis, the Pre-k Enhancement and Expansion Amendment Act of 2008 to require that administrative and procedural rules for the pre-k program assistance grant program be submitted to the Council for review and approval, to establish a State Early Childhood Development Coordinating Council to improve coordination and collaboration among entities carrying out federally funded and District-funded pre-k and other early childhood programs, to require the University of the District of Columbia to convene a collaborative of District of Columbia colleges and universities to develop a pre-k workforce development plan to be submitted to the Council by March 15, 2010, to establish a higher education incentive grant program and a scholarship program for the purpose of increasing the number of pre-k teachers and assistants who meet high-quality degree and credential requirements, to transfer the authority to establish a higher education incentive grant program and a scholarship program from the Office of the State Superintendent of Education to the University of the District of Columbia, and to establish the Higher Education Incentive Grant Fund; and to amend the District of Columbia Public Postsecondary Education Reorganization Act to add to the duties of the Trustees of the University of the District of Columbia the duty to serve as the coordinator of the state system for pre-k teacher preparation, professional development, and training and to convene the collaborative, develop the plan, and establish the programs required by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Pre-k Acceleration and Clarification Temporary Amendment Act of 2010".

Sec. 2. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-271.01) is amended as follows:

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

"(1) "Community-based organization" or "CBO" means a Head Start or early childhood education program operated by a nonprofit entity, faith-based organization, or organization that participates in federally funded or District-funded early childhood programs, including the child care subsidy program funded by the federal Child Care and Development Fund."

Note,
§ 38-271.01

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(2) Paragraph (3) is amended by striking the word "by" and inserting the phrase "pursuant to" in its place.

(3) A new paragraph (2A) is added to read as follows:

"(2A) "HEIG fund" means the Higher Education Incentive Grant Fund established by section 403."

(4) A new paragraph (3A) is added to read as follows:

"(3A) "HEI scholarship program" means the scholarship program established pursuant to sections 401 and 402."

(b) Section 102(b) (D.C. Official Code § 38-271.02(b)) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

"(2) In regard to pre-k programs in public schools and public charter schools, consult with local education agencies and the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), to ensure that the goals of this act are met."

(2) Paragraph (8) is repealed.

(c) A new section 107 is added to read as follows:

"Sec. 107. State Early Child Development Coordinating Council; establishment.

"(a) Within 45 days of the effective date of the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 8-603), the Mayor shall establish and convene a State Early Childhood Development Coordinating Council ("Coordinating Council") to:

"(1) Improve collaboration and coordination among entities carrying out federally funded and District-funded pre-k and other early childhood programs to improve school readiness;

"(2) Assist in the planning and development of a comprehensive early childhood education system that serves children ages birth to 8 years of age; and

"(3) Comply with the Head Start Act, approved December 12, 2007 (Pub. L. No. 110-134; 121 Stat. 1363).

"(b) The Coordinating Council shall:

"(1) Identify opportunities for collaboration and coordination among early childhood education entities;

"(2) Review the annual pre-k report to the Council required by section 105 and submit to the OSSE additional recommendations to improve the quality of and expand access to pre-k and other early childhood programs to be submitted to the Council along with the annual pre-k report;

"(3) Develop recommendations to:

"(A) Increase participation of children in existing pre-k and other early childhood programs;

"(B) Improve the quality of pre-k and other early childhood programs;

"(C) Support the implementation of pre-k workforce development programs; and

"(D) Improve state early learning policies; and

Note,
§ 38-271.02

ENROLLED ORIGINAL

“(4) Perform other tasks as determined by the Mayor.

“(c) The Coordinating Council membership shall consist of:

“(1) The following members, or their designees, the:

- “(A) Mayor;
- “(B) Chairman of the Council of the District of Columbia
- “(C) State Superintendent of Education;
- “(D) Chancellor of the District of Columbia Public Schools;
- “(E) Executive Director of the Public Charter School Board;
- “(F) Director of the Department of Health;
- “(G) Director of the Department of Mental Health;
- “(H) Director of the Department of Human Services;
- “(I) Director of the Child and Family Services Agency;
- “(J) State Director for Head Start Collaboration; and
- “(K) Director of the entity designated as the state resource and referral

agency; and

“(2) The following members, who shall be appointed by the Chairman of the Council or the Mayor, with each appointing at least one District resident from each of the following categories, to serve a term of 2 years:

“(A) Families whose children are receiving or have received pre-k-education services;

- “(B) Head Start;
- “(C) Community-based organizations;
- “(D) Public schools;
- “(E) Public charter schools;
- “(F) Public charter school support organizations;
- “(G) Early childhood advocacy organizations;
- “(H) Business community;
- “(I) Philanthropic community;
- “(J) DC Collaborative; and
- “(K) Any additional category identified by the Coordinating Council

as necessary or appropriate.

“(d)(1) Two people appointed pursuant to subsection (c)(2) of this section shall be appointed co-chairs, one by the Chairman and one by the Mayor. The co-chairs shall convene the Coordinating Council no fewer than 4 times each year for the purpose of gathering public input on the Coordinating Council’s recommendations.

“(2) A quorum to transact business shall consist of 50% plus one of the members who are appointed and serving.”

(d) Section 201(a) (D.C. Official Code § 38-272.01(a)) is amended to read as follows:

“(a) The OSSE shall develop high-quality content standards and program requirements that pre-k programs that receive funds under this act are required to meet by September 1, 2014.”

(e) Section 203 (D.C. Official Code § 38-272.03) is amended as follows:

Note,
§ 38-272.01

ENROLLED ORIGINAL

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

“(a) The OSSE shall establish and administer a grant program to assist existing and new pre-k programs in public schools, public charter schools, and CBOs in meeting the required HQ standards. Each grant shall be a 2-year grant.”

Note,
§ 38-272.03

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

“(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue administrative and procedural rules for the grant program and HQ standards and submit the rules within 45 days of the effective date of the Pre-K Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 18-603). If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.”

(f) Section 302(b) (D.C. Official Code § 38-273.02(b)) is amended by striking the phrase “then to children” and inserting the phrase “then, if applicable, to children” in its place.

Note,
§ 38-273.02

(g) Section 401 (D.C. Official Code § 38-274.01) is amended to read as follows:

“Sec. 401. DC Collaborative; HEI program; HEI scholarship program; career and compensation plan.

Note,
§ 38-274.01

“(a) The University of the District of Columbia shall establish and convene a collaborative of District of Columbia colleges and universities (“DC Collaborative”) to craft the HEI program and HEI scholarship program, in collaboration with the Office of the State Superintendent of Education, for the purpose of increasing the number of teachers and assistant teachers in public schools, public charter schools, and CBOs who are meeting degree and credential requirements established by the OSSE pursuant to section 201.

“(b)(1) The DC Collaborative shall develop a pre-k workforce development plan, which shall include:

“(A) A clearly articulated vision statement of how the DC Collaborative intends to attract and retain a highly-qualified pre-k workforce;

“(B) Stated goals and strategies based upon a needs assessment of the current pre-k workforce in public schools, public charter schools, and CBOs and a review of higher education institutional capacity;

“(C) The scope and structure of the HEI program and the HEI scholarship program; and

“(D) A timeline and benchmarks for the planning and implementation of the HEI program and the HEI scholarship program.

“(2) The University of the District of Columbia shall submit the pre-k workforce development plan to the Council for review by March 15, 2010.

“(c) As the convener of the DC Collaborative, the University of the District of Columbia shall facilitate the development and implementation of the HEI program, including the distribution of funds to higher education institutions according to their capacity or need, and the HEI scholarship program.

“(d) The University of the District of Columbia shall submit to the OSSE, a proposed career and compensation plan under which a teacher in the CBO sector will be compensated

ENROLLED ORIGINAL

once the teacher meets the degree and credentials requirements established by the OSSE pursuant to section 201.”

(h) A new section 401a is added to read as follows:

“Sec. 401a. Transfer of authority, assets, and funds.

“(a) The authority to establish the HEI program and the HEI scholarship program is transferred from the OSSE to the University of the District of Columbia.

“(b) Within 30 days of the effective date of the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 18-603), any real and personal property, positions, assets, and records relating to the HEI program or the HEI scholarship program, or to the planned establishment of the programs, shall become the property of the University of the District of Columbia, and any unexpended balances of appropriations, allocations, or other funds available or to be made available to the OSSE for the HEI program or the HEI scholarship program, or the planned establishment of the programs, shall be transferred to the HEIG fund.”

(i) Section 402 is amended as follows:

(A) Strike the phrase “to pre-k teachers and assistant teachers”.

(B) Strike the acronym “OSSE” both times it appears and insert the phrase “the University of the District of Columbia” in its place.

(j) A new section 403 is added to read as follows:

“Sec 403. Higher Education Incentive Grant Fund; establishment.

“(a)(1) There is established as nonlapsing fund, the Higher Education Incentive Grant Fund (“HEIG fund”), which shall be a separate program line within the University of the District of Columbia budget. All funds deposited into the HEIG fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

“(2) The HEIG fund shall be funded through:

“(A) Local funds;

“(B) Federal funds;

“(C) Federal grant funds; and

“(D) Grants, gifts, or subsidies from public or private sources.

“(b) The funds in the HEIG fund shall be used:

“(1) To fund the HEI program and the HEI scholarship program;

“(2) For administrative costs and monitoring of the HEIG fund, not to exceed 10% of the fund balance per fiscal year; and

“(3) To develop the pre-k workforce development plan in accordance with section 401.”

Sec. 3. Conforming amendment.

Section 206 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code § 38-1202.06), is amended

Note,
§ 38-274.02

Note,
§ 38-1202.06

ENROLLED ORIGINAL

by adding a new paragraph (19) to read as follows:

“(19)(A) Coordinate the state system, in accordance with federal requirements, for pre-k teacher preparation, professional development, and training;

“(B) Establish a collaborative of District of Columbia colleges and universities to craft a higher education incentive grant program and a scholarship program and develop a pre-k workforce development plan, as required by section 401 of the Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-274.01)(Pre-k act”); and

“(C) Establish the higher education incentive grant program and the scholarship program for the purpose of increasing the number of highly-qualified pre-k teachers and assistant teachers who are eligible to teach in a high-quality pre-k classroom as of September 1, 2014, as set forth in section 401 of the Pre-k act.”.

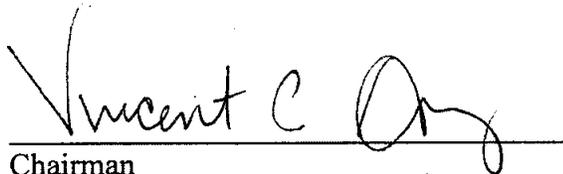
Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
February 3, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-308

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
FEBRUARY 3, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.

West Group
Publisher

To amend, on a temporary basis, the Old Morgan School Place Designation Act of 2005 to change a segment of Old Morgan School Place, N.W., back to its original name of Champlain Street, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Old Morgan School Place, N.W. Renaming Temporary Amendment Act of 2010".

Sec. 2. Section 2(2) of the Old Morgan School Place Designation Act of 2005, effective March 8, 2006 (D.C. Law 16-52; 53 DCR 1), is amended by striking the phrase, "and the adjacent north-south portion of Champlain Street, N.W., that intersects Florida Avenue, N.W., between Square 2558 and 2562".

Note,
§ 9-204.01

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

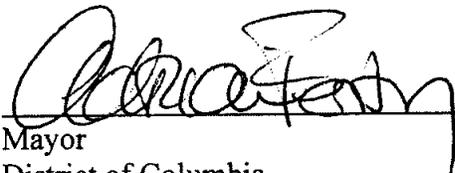
ENROLLED ORIGINAL

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

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 3, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

FEBRUARY 3, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.

West Group
Publisher

To amend, on an emergency basis, the Clean and Affordable Energy Act of 2008 to authorize continuing expenditures for the Government Building Energy Efficiency program in fiscal year 2010 from existing fund balances in the Sustainable Energy Trust Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clean and Affordable Energy Fiscal Year 2010 Fund Balance Emergency Amendment Act of 2010".

Sec. 2. Section 210(c)(11) of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10(c)(11)), is amended to read as follows:

Note,
§ 8-1774.10

"(11) A Government Building Energy Efficiency program in the amount of \$1,618,750 for fiscal year 2010."

Sec. 3. Fiscal impact statement.

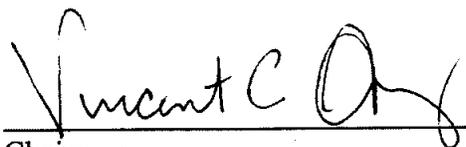
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

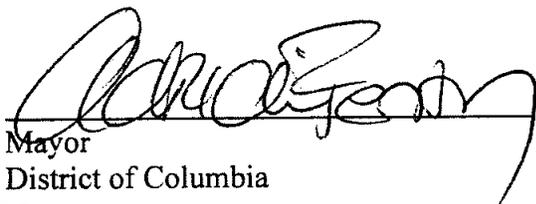
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
February 3, 2010