

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a State Education Office under the Office of the Mayor, to require the Mayor to appoint a State Education Officer, with the advice and consent of the Council, to head the Office, to establish the responsibilities of the Office; and to amend the District of Columbia Nonresident Tuition Act, An Act To establish a Department of Food Services in the public schools of the District of Columbia, and for other purposes, the District of Columbia School Reform Act of 1995, and the Public School Enrollment Census Act of 1998 to make conforming amendments to reflect that responsibilities under these laws shall be functions of the Office; and to amend the Fiscal Year 2001 Budget Support Act of 2000 to repeal the establishment of the State Education Office and to reduce the time period from 30 days to 10 business days for public notice of the invitation for bids for the prospective underwriter and bond counsel for the tobacco settlement financing bonds..

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "State Education Office Establishment Act of 2000".

Sec. 2. Establishment of the State Education Office.

(a) There is established, under the Office of the Mayor, a State Education Office ("SEO").

(b) The SEO shall be headed by a State Education Officer ("Officer"), who shall be appointed by the Mayor with the advice and consent of the Council in accordance with section 2(a) of the Confirmation Act of 1978. The Officer shall serve a 4-year term.

Sec. 3. Responsibilities.

(a) Within one year of the Officer's appointment, but not later than October 2001, and except as provided in section 5, the SEO shall assume the responsibilities listed in subsection (b) of this section. The transfer and assumption of responsibilities shall take place in accordance with the short-term plan to be submitted by the Officer to the Mayor for approval by February 15, 2001, or 5 weeks from the establishment of the SEO, whichever is later.

(b) The SEO shall:

(1) Have authority for all state functions for federally sponsored child nutrition

programs in the District, including those sponsored by the United States Department of Agriculture;

(2) Verify annual fall enrollment counts for all public and public charter schools pursuant to section 2402 of the District of Columbia School Reform Act of 1995 and section 702 of the Public School Enrollment Census Act of 1998;

(3) Formulate and promulgate rules for the documentation and verification of District residency for public and public charter school students, pursuant to sections 2 and 3 of the District of Columbia Nonresident Tuition Act;

(4) Make recommendations to the Mayor and Council for periodic revisions to the Uniform Per Student Funding Formula pursuant to section 112 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 2000 and provide information and data related to such revisions including the study of actual costs of education in the District of Columbia, consideration of performance incentives created by the formula in practice, research in education and education finance, and public comment; and

(5) Conduct a study to be submitted to the Mayor and Council recommending additional functions to be assumed by the SEO and a proposed transition plan meeting the specifications of section 6.

Sec. 4. Requirements for short-term SEO plan.

The short-term SEO plan shall:

(1) Be formulated in consultation with the Board of Education, the Superintendent of Schools, the Public Charter School Board, District agencies with responsibilities for functions specified in section 3, the District of Columbia Financial Responsibility and Management Assistance Authority ("DCFRMAA") and any relevant federal agencies;

(2) Be adopted by the Officer only after at least one public hearing on the proposed short-term plan;

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

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

(5) Specify the estimated cost to the SEO of carrying out each function specified in section 3, and the recommended source of revenues; and

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

Sec. 5. Short-term SEO plan.

(a) Subject to the SEO's determination that adequate funds and staffing are available to ensure a successful transfer, and that the assumption of authority conforms with all pertinent

requirements of federal law, the short-term plan shall include the following timelines:

(1) With regard to federally sponsored summer feeding programs, the plan shall provide for SEO assumption of functions sufficiently in advance to make the SEO fully responsible for the summer 2001 program.

(2) With regard to fall enrollment verification, the plan shall provide for SEO assumption of full authority no later than July 1, 2001, or on such date as the DCFRMAA shall relinquish to the SEO its authority pursuant to section 2402 of the District of Columbia School Reform Act of 1995.

(3) With regard to documentation and verification of student residency in the District, the plan shall provide for SEO assumption of full authority no later than April 1, 2001.

(4) With regard to recommendations for revisions in the Uniform Per Student Funding Formula, the plan shall provide for submission by the SEO to the Mayor and Council no later than September 30, 2001.

(b) If at the time of proposed transfer under the short-term plan the SEO is for any reason unable to assume full responsibility for all functions to be transferred, such functions shall continue to be performed by the agency or body currently carrying them out.

Sec. 6. Study, recommendations, and transition plan on the additional responsibilities for the SEO.

(a)(1) Not later than July 1, 2001, the SEO shall submit recommendations to the Mayor and the Council, based on a study of the additional responsibilities that should be assumed by the SEO, and a transitional plan for each responsibility.

(2) The study, recommendations, and transition plan shall be developed, in consultation with the Board of Education, the Superintendent of Public Schools, the Public Charter School Board, and any other District agencies which currently has the responsibility for functions listed in subsection (b) of this section.

(b) In formulating recommendations, the Officer shall consider the advantages of giving the SEO responsibility for the:

(1) State-level responsibilities associated with the acquisition and administration of federal grants on behalf of funding or services for all eligible District schools including public, public charter and private schools, and District of Columbia public institutions for post secondary education, including preparation of state plans, applications for competitive grants, setting of state-wide standards and assessment, allocation of federal funds among eligible schools, monitoring of compliance with federal requirements, and submission of reports;

(2) Issuance of 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, pursuant to section Article II, § 1 of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes;

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(3) Issuance of rules regarding enforcement of school attendance requirements for all schools, including public, public charter and private schools, pursuant to Article II, § 6 of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes;

(4) Conduct of the census of all minors 3 years of age or older who are residents of the District, pursuant to Article II, § 1 of An Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes;

(5) Establishment of criteria for individuals to obtain high school equivalency credentials, administration of appropriate exams and issuance of such credentials;

(6) Issuance of work permits for minors who reside in the District, pursuant to section 8 of An Act to regulate the employment of minors within the District of Columbia;

(7) Establishment of annual standardized reporting requirements for statistical information from public and public charter schools;

(8) Fact-finding, research and investigative activities on behalf of the Mayor, Council and other public officials;

(9) Establishment of teacher certification requirements for all eligible District schools including public, public charter, private schools, and District of Columbia public institutions for post secondary education; and

(10) Establishment of licensing procedures and standards for instructional staff for all eligible District schools including public, public charter, private schools, and District of Columbia public institutions for post secondary education.

(c) The study shall consider whether the SEO's assumption of each responsibility would:

(1) Improve the quality of educational and other services to children and adults;

(2) Eliminate or create duplication of functions by various District agencies;

(3) Reduce or enlarge multiple reporting requirements upon school authorities, including the Board of Education, Superintendent of Schools, Public School Charter Board, and individual schools;

(4) Eliminate conflicts of interest; and

(5) Entail additional costs for the District.

(d) The transition plan shall:

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

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

(3) Specify the estimated cost to the SEO of carrying out each function studied, and the recommended source of revenues; and

(4) Identify any factors with potential for disrupting services to students and

recommend steps to prevent such disruption.

Sec. 7. Existing state agency responsibilities.

All District agencies, including the District of Columbia Public School system, currently performing state-level functions related to public education shall continue to perform such functions until such date as those functions are transferred away from them pursuant to approved transition plans. The Mayor and Council shall provide such funds as are necessary to enable such agencies to continue to perform such functions.

Sec. 8. Conforming amendments.

(a) Sections 2 and 3 of the District of Columbia Nonresident Tuition Act are amended by striking the phrase "Board of Education" wherever it appears and inserting the phrase "State Education Office" in its place.

(b) Section 201 of An Act To establish a Department of Food Services in the public schools of the District of Columbia, and for other purposes is amended by striking the phrase "Board of Education" wherever it appears and inserting the phrase "State Education Office" in its place.

(c) Section 2402 of the District of Columbia School Reform Act of 1995 is amended by striking the phrase "Board of Education" wherever it appears and inserting the phrase "State Education Office" in its place.

(d) Section 702 of the Public School Enrollment Census Act of 1998 is amended by striking the phrase "Board of Education" wherever it appears and inserting in the phrase "State Education Office" in its place.

(e) The Fiscal Year 2001 Budget Support Act of 2000 is amended as follows:

(1) The long title is amended by striking the phrase "to establish a State Education Office in the Office of the Mayor".

(2) Title XXVI is repealed.

(3) Section 3704(m)(2) is amended by striking the phrase "30 days" and inserting the phrase "10 working days" in its place.

Sec. 9. Rule of construction.

To the extent that provisions of this act conflict with any order of the Financial Responsibility and Management Assistance Authority ("Financial Authority"), issued pursuant to section 207(d) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.7(d)), the provisions of the Financial Authority Order shall govern.

Sec. 10. Fiscal impact statement.

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The FY 2001 budget provides \$1,678,000 to the State Education Office, which was redirected from the Office of the Mayor, as established under the Office of the Mayor.

Sec. 11. Effective date.

This act shall take affect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995, (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia