

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 1.
PUBLIC SCHOOL SYSTEM.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 1. PUBLIC SCHOOL SYSTEM.

TABLE OF CONTENTS

Subchapter I. General.

- § 38-101. Election; term of office; vacancies; meetings.[Repealed]
- § 38-102. General policies; expenditures; appointment of employees.
- § 38-103. Annual estimates.[Repealed]
- § 38-104. Exemption from personal liability and security or bond requirement.
- § 38-105. Superintendent; appointment; term of office; duties.[Repealed]
- § 38-106. Removal of Superintendent.[Repealed]
- § 38-107. Supervisor of Manual Training.
- § 38-108. Classification by correlated subjects.
- § 38-109. Head of department; head teacher; class size limitation.
- § 38-110. Qualifications required of teachers and officials.[Repealed]
- § 38-111. Investigation or trial of teacher.
- § 38-112. Masculine pronoun to include both male and female.

Subchapter I-A. Annual Budget Submission Inclusions.

- § 38-121.01. District of Columbia Public Schools use of private funds.
- § 38-121.02. District of Columbia Public Schools performance measures standardization.

Subchapter II. Superintendent.

- § 38-131. Provisional duties of the Chancellor.
- § 38-132. Authority of acting Superintendent.

Subchapter III. Miscellaneous Provisions.

- § 38-151. Normal schools.
- § 38-152. Education of pages.
- § 38-153. Coordination of municipal programs.
- § 38-154. Annual report and budget revision of the Chancellor.[Repealed]
- § 38-155. Adoption and use of seal.
- § 38-156. Power to raze buildings; limitations.
- § 38-157. Contracting out of food services operations and security services; development of management and data systems.
- § 38-158. Detail of officers to training program.
- § 38-159. Public school enrollment census.
- § 38-160. Public schools Schedule A submission.
- § 38-161. Attendance at Teachers College by foreign students.

CHAPTER 1. PUBLIC SCHOOL SYSTEM.

SUBCHAPTER I. GENERAL.

§ 38-101. ELECTION; TERM OF OFFICE; VACANCIES; MEETINGS.[REPEALED]

(June 20, 1906, 34 Stat. 316, ch. 3446, § 2(a)-(f); Jan. 26, 1929, 45 Stat. 1139, ch. 105; June 25, 1936, 49 Stat. 1921, ch. 804; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; Aug. 2, 1957, 71 Stat. 341, Pub. L. 85-119, § 1; Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(a), (c); Dec. 23, 1971, 85 Stat. 795, Pub. L. 92-220, § 3; Aug. 14, 1973, 87 Stat. 313, Pub. L. 93-92, § 2; Aug. 18, 1978, D.C. Law 2-101, § 4, 25 DCR 257; Mar. 3, 1979, D.C. Law 2-139, § 3204(a), 25 DCR 5740; Sept. 26, 1984, D.C. Law 5-116, § 6, 31 DCR 4018; July 18, 2000, D.C. Law 13-149, § 2, 47 DCR 4639; Dec. 7, 2004, D.C. Law 15-211, § 2, 51 DCR 8805; Apr. 13, 2005, D.C. Law 15-354, §§ 53, 93, 52 DCR 2638; June 12, 2007, D.C. Law 17-9, § 1003(a), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-101(b)–(e).

1973 Ed., § 31-101.

Temporary Amendments of Section

Section 2 of D.C. Law 15-204 rewrote subsec. (a); in subsec. (b), substituted "paragraph (3)(C), (E), and (F)" for "paragraph (3)(C) and (3)(D)" and substituted "including the at-large member" for "including the President" in par. (1), rewrote subpar. (A) of par. (3), repealed subpar. (D) of par. (3), and added subpars. (E) and (F) of par. (3); in subsec. (c), inserted "or ward" after "special school district" in par. (1); and in subsec. (f), substituted "subsection (b)(3)(C) and (E)" for "subsection (b)(3) (C)". Subsec. (a), and subpars. (A), (E), and (F) of par. (3) of subsec. (b), 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, 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."

"(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."

"(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."

Section 5(b) of D.C. Law 15-204 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3 of the Extension of the Nominating Petition Time Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-452, November 7, 2000, 47 DCR 9403).

For temporary (90 day) amendment of section, see § 2 of Board of Education Continuity and Transition Emergency Amendment Act of 2004 (D.C. Act 15-465, June 30, 2004, 51 DCR 6997).

For temporary (90 day) maximization of federal and private grant acquisition provisions, see § 4052 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 2 of Board of Education Continuity and Transition Congressional Review Emergency Act of 2004 (D.C. Act 15-533, October 4, 2004, 51 DCR 9628).

For temporary (90 day) maximization of federal and private grant acquisition provisions, see § 4052 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 2 of Board of Education Continuity and Transition Second Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-659, December 29, 2004, 52 DCR 1434).

Legislative History of Laws

Law 13-149, the "School Governance Companion Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-470, which was referred to the Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on March 3, 2000, and April 4, 2000, respectively. Signed by the Mayor on April 24, 2000, it was assigned Act No. 13-336 and transmitted to both Houses of Congress for its review. D.C. Law 13-149 became effective on July 18, 2000.

Law 15-204, the "Board of Education Continuity and Transition Temporary Amendment Act of 2004," was introduced in Council and assigned Bill No. 15-881, and was retained by Council. The Bill was adopted on first and second readings on June 16, 2004, and June 29, 2004, respectively. Signed by the Mayor on July 21, 2004, it was assigned Act No. 15-478 and transmitted to both Houses of Congress for its review. D.C. Law 15-204 became effective on December 7, 2004.

Law 15-211, the "Board of Education Continuity and Transition Amendment Act of 2004," was introduced in Council and assigned Bill No. 15-714, which was referred to the Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on June 29, 2004, and July 13, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-498 and transmitted to both Houses of Congress for its review. D.C. Law 15-211 became effective on December 7, 2004.

Law 15-354, the "Technical Amendments Act of 2004," was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

For Law 17-9, see notes under § 38-103.

§ 38-102. GENERAL POLICIES; EXPENDITURES; APPOINTMENT OF EMPLOYEES.

(a) The Board of Education shall determine all questions of general policy relating to the schools and the Superintendent shall implement such policy. The Board of Education shall appoint and evaluate the Superintendent who shall be responsible for the day-to-day operation of the schools.

(b) The Board of Education shall, at least every 2 years, adopt and publish an Education Policy Agenda that establishes spending priorities, goals and objectives; that establishes the organizational chart for the District of Columbia Public Schools; and that recognizes the policy-setting role of the Board and the management role of the Superintendent. In the course of preparing the Agenda, the Board of Education

and the Superintendent shall take into account the recommendations of the Mayor, community and parent organizations, and recognized experts in the fields of education and finance. The Agenda shall be published in the D.C. Register and newspapers of general circulation.

(c) The Board of Education shall hire the Superintendent of Schools who shall be the chief executive officer for District of Columbia Public Schools, serve as a nonvoting member of the Board, and be responsible for the operations of the schools. The Board and Superintendent shall negotiate a performance contract setting forth the specific responsibilities of the Superintendent and shall make the contract available to the public on request. The Board shall have the authority to remove the Superintendent.

(d) The Board of Education shall establish personnel policies and guidelines for the hiring of principals and other personnel by the Superintendent, but shall not make or approve personnel decisions or negotiate with representatives of employee organizations.

(e) The Board of Education shall establish guidelines and goals for academic achievement.

(June 20, 1906, 34 Stat. 317, ch. 3446, § 2(g); Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(b); July 18, 2000, D.C. Law 13-149, § 3, 47 DCR 4639; Mar. 25, 2009, D.C. Law 17-353, § 206, 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-102.

1973 Ed., § 31-103.

Effect of Amendments

D.C. Law 13-149 rewrote this section, which formerly read:

"The Board shall determine all questions of general policy relating to the schools, shall appoint the executive officers hereinafter provided for, define their duties, and direct expenditures. All expenditures of public funds for such school purposes shall be made and accounted for as now provided by law under the direction and control of the Mayor of the District of Columbia. The Board shall appoint all teachers in the manner hereinafter prescribed and all other employees provided for in this chapter."

Section 7 of D.C. Law 13-149 provides:

"This act shall apply upon the effective date of the School Governance Charter Amendment Act of 2000."

D.C. Law 17-353, in the section credit, validated a previously made technical correction.

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of the District of Columbia Public Schools Partnership Emergency Act of 2012 (D.C. Act 19-395, July 18, 2012, 59 DCR 8703).

For temporary (90 day) addition of section, see § 2 of District of Columbia Public Schools Partnership Congressional Review Emergency Act of 2012 (D.C. Act 19-543, November 15, 2012, 59 DCR 13586).

Legislative History of Laws

For D.C. Law 13-149, see notes following § 38-101.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Establishment of District of Columbia Advisory Committee on Education: See Mayor's Order 89-256, November 7, 1989.

§ 38-103. ANNUAL ESTIMATES.[REPEALED]

(June 20, 1906, 34 Stat. 317, ch. 3446, § 2(h); Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(b); Oct. 5, 1985, D.C. Law 6-48, § 2, 32 DCR 4583; Apr. 17, 1995, 109 Stat. 116, Pub. L. 104-8, § 202(g)(1); June 12, 2007, D.C. Law 17-9, § 1003(b), 54 DCR 4102; Mar. 21, 2009, D.C. Law 17-325, § 2, 56 DCR 499; Sept. 24, 2010, D.C. Law 18-223, § 4034, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-103.

1973 Ed., § 31-104.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Public Schools Hearing Emergency Amendment Act of 2009 (D.C. Act 18-11, February 25, 2009, 56 DCR 1915).

For temporary (90 day) repeal of section, see § 4034 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

Law 6-48 was introduced in Council and assigned Bill No. 6-252, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6-67 and transmitted to both Houses of Congress for its review.

Law 17-9, the "Public Education Reform Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-1, which was referred to Committee of the Whole. The Bill was adopted on first and second readings on April 3, 2007, and April 19, 2007, respectively. Signed by the Mayor on April 23, 2007, it was assigned Act No. 17-38 and transmitted to both Houses of Congress for its review. D.C. Law 17-9 became effective on June 12, 2007.

Law 17-325, the "Public School Hearing Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-942 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 18, 2008, and December 2, 2008, respectively. Approved without the Mayor's signature on December 24, 2008, it was assigned Act No. 17-630 and transmitted to both Houses of Congress for its review. D.C. Law 17-325 became effective on March 21, 2009.

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Home Rule Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 38-104. EXEMPTION FROM PERSONAL LIABILITY AND SECURITY OR BOND REQUIREMENT.

The members of the Board of Education of the District of Columbia shall not be personally liable in damages for any official action of the Board performed in good faith in which the members participate; nor shall any member of the Board be liable for any costs that may be taxed against them or the Board on account of any such official action by them as members of the Board; but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits brought against the municipality; nor shall the said Board or any of its members be required to give any supersedeas bond or security for costs or damages on any appeal whatever.

(June 20, 1906, 34 Stat. 316, ch. 3446, § 2(i); Jan. 26, 1929, 45 Stat. 1139, ch. 105; Apr. 22, 1968, 82 Stat.

102, Pub. L. 90-292, § 3(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-105.

1973 Ed., § 31-104a.

§ 38-105. SUPERINTENDENT; APPOINTMENT; TERM OF OFFICE; DUTIES.[REPEALED]

(June 20, 1906, 34 Stat. 317, ch. 3446, § 3(1); Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(d); Mar. 3, 1979, D.C. Law 2-139, § 3204(h), 25 DCR 5740; June 12, 2007, D.C. Law 17-9, § 1003(c), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-107.

1973 Ed., § 31-105.

Legislative History of Laws

For Law 17-9, see notes following § 38-103.

§ 38-106. REMOVAL OF SUPERINTENDENT.[REPEALED]

(June 20, 1906, 34 Stat. 317, ch. 3446, § 3(2); Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(d); June 12, 2007, D.C. Law 17-9, § 1003(d), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-110.

1973 Ed., § 31-108.

Legislative History of Laws

For Law 17-9, see notes following § 38-103.

§ 38-107. SUPERVISOR OF MANUAL TRAINING.

There shall be appointed by the Board a Supervisor of Manual Training who, under the direction of the Superintendent, shall have supervision of manual training instruction.

(June 20, 1906, 34 Stat. 317, ch. 3446, § 3(6); Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(d).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-111.

1973 Ed., § 31-111.

§ 38-108. CLASSIFICATION BY CORRELATED SUBJECTS.

The Board of Education shall classify all academic and scientific subjects in the Central, Eastern, Western, and Business High Schools, and the McKinley Manual Training School into 8 departments so that each department shall contain correlated subjects, and the M Street High School and the Armstrong Manual Training School shall be similarly classified into 4 departments so that each department shall contain correlated subjects.

(June 20, 1906, 34 Stat. 319, ch. 3446, § 5(1); Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(d).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-112.

1973 Ed., § 31-112.

§ 38-109. HEAD OF DEPARTMENT; HEAD TEACHER; CLASS SIZE LIMITATION.

Whenever a department includes 2 or more high schools, then the teacher in charge of the department shall be designated "head of the department," otherwise the teacher in charge of the department shall be designated "head teacher"; provided, that heads of departments as such have only an advisory capacity in educational matters and upon all questions shall be inferior in authority to the principal of each particular school; provided further, that no class shall be formed in the high schools with less than 10 pupils for a period not longer than 15 days.

(June 20, 1906, 34 Stat. 319, ch. 3446, § 5(2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-113.

1973 Ed., § 31-113.

§ 38-110. QUALIFICATIONS REQUIRED OF TEACHERS AND OFFICIALS.[REPEALED]

(June 20, 1906, 34 Stat. 319, ch. 3446, § 6; June 26, 1912, 37 Stat. 156, ch. 182; Feb. 25, 1929, 45 Stat. 1276, ch. 314, § 1; Mar. 16, 1982, D.C. Law 4-78, § 14, 29 DCR 49.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-114.

1973 Ed., § 31-114.

Legislative History of Laws

Law 4-78 was introduced in Council and assigned Bill No. 4-326, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1981 and November 24, 1981, respectively. Signed by the Mayor on December 15, 1981, it was assigned Act No. 4-126 and transmitted to both Houses of Congress for its review.

§ 38-111. INVESTIGATION OR TRIAL OF TEACHER.

When a teacher is on trial or being investigated he or she shall have the right to be attended by counsel and by at least 1 friend of his or her selection.

(June 20, 1906, 34 Stat. 321, ch. 3446, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-115.

1973 Ed., § 31-116.

§ 38-112. MASCULINE PRONOUN TO INCLUDE BOTH MALE AND FEMALE.

Wherever the masculine pronoun occurs in this chapter it shall be construed to apply to either male or female teachers or employees of the Board of Education.

(June 20, 1906, 34 Stat. 321, ch. 3446, § 12; Apr. 22, 1968, 82 Stat. 102, Pub. L. 90-292, § 3(d).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-116.

1973 Ed., § 31-117.

SUBCHAPTER I-A. ANNUAL BUDGET SUBMISSION INCLUSIONS.

§ 38-121.01. DISTRICT OF COLUMBIA PUBLIC SCHOOLS USE OF PRIVATE FUNDS.

(a) The annual District of Columbia Public Schools ("DCPS") budget submission shall identify and list all donations, whether monetary or gifts in kind, of \$100,000 or more, donated to DCPS, in a single donation or in multiple donations by a benefactor, for its benefit or purpose, whether directly or indirectly.

(b) The Mayor shall submit an annual report, along with the budget submission, on the use of non-government funds that specifies for each benefactor:

- (1) Name and address;
- (2) Amount of the planned or actual expenditure donation;
- (3) The intended use of the donation; and
- (4) The specific goods or services purchased on behalf of or donated to DCPS.

(c) For the purposes of this subchapter, the term "donation" means any gift, grant, devise, or bequest of any real or personal property, or other type of asset.

(Sept. 24, 2010, D.C. Law 18-223, § 4042, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 4042 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

Miscellaneous Notes

Short title: Section 4041 of D.C. Law 18-223 provided that subtitle E of title IV of the act may be cited as the "Use of Private Funds Reporting Requirement Act of 2010".

§ 38-121.02. DISTRICT OF COLUMBIA PUBLIC SCHOOLS PERFORMANCE MEASURES STANDARDIZATION.

(a)(1) By January 1, 2011, the District of Columbia Public Schools, shall submit, in accordance with § 1-204.56a, comprehensive, measurable, objective agency performance measures that are to be included in the next 4 budget submissions for the purposes of measuring the agency's performance in certain areas, including student outcomes, recruitment and retention of teachers and principals, management and business operations, and parent and community involvement.

(2) Beginning in 2012, this information shall be submitted by January 31 of each year in accordance with subsection (b) of this section to the Council for review and comment.

(b) A performance measure shall be included in the budget submission that includes at least one year of actual data. Once included in a budget submission, a performance measure shall be included in its original form for at least 4 successive years.

(Sept. 24, 2010, D.C. Law 18-223, § 4052, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 4052 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For Law 18-223, see notes following § 38-121.01.

Short title: Section 4051 of D.C. Law 18-223 provided that subtitle F of title IV of the act may be cited as the "DCPS Performance Measures Standardization Act of 2010".

SUBCHAPTER II. SUPERINTENDENT.

§ 38-131. PROVISIONAL DUTIES OF THE CHANCELLOR.

The Chancellor of the District of Columbia Public Schools is authorized to accept the resignation or the application for retirement of any employee, to grant leave of absence to any employee, to extend or terminate any temporary appointment, and to make all changes in personnel and appointments growing out of such resignation, retirement, leave of absence, termination of temporary appointment, or caused by the decease or suspension of any employee.

(Apr. 22, 1932, 47 Stat. 134, ch. 131, § 1; June 12, 2007, D.C. Law 17-9, § 1004, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-108.

1973 Ed., § 31-106.

Effect of Amendments

D.C. Law 17-9, in the section heading, substituted "Chancellor" for "Superintendent"; and rewrote the section, which had read as follows:

"The Superintendent of Schools of the District of Columbia is authorized to accept the resignation or the application for retirement of any employee, to grant leave of absence to any employee, to extend or terminate any temporary appointment, and to make all changes in personnel and appointments growing out of such resignation, retirement, leave of absence, termination of temporary appointment, or caused by the decease or suspension of any employee, or the organization of a new class or classes, and to perform such other duties necessary for the operation of the public school system as may be authorized by the Board of Education, provisionally and until the next regular meeting of the Board of Education."

Legislative History of Laws

For Law 17-9, see notes under § 38-103.

§ 38-132. AUTHORITY OF ACTING SUPERINTENDENT.

The authority conferred on the Superintendent of Schools by § 38-131 shall, during his authorized absence, devolve on the person designated as acting Superintendent of Schools.

(Apr. 22, 1932, 47 Stat. 134, ch. 131, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-109.

1973 Ed., § 31-107.

SUBCHAPTER III. MISCELLANEOUS PROVISIONS.

§ 38-151. NORMAL SCHOOLS.

The Board of Education shall have power to make all necessary rules and regulations for the organization and government of the normal schools, to prescribe the course of study to be pursued therein, and to fix terms for the admission and graduation of pupils; provided, that the Board of Education is hereby authorized, under appropriations hereafter to be made, to expand the 2 existing normal schools into teachers' colleges, and at the end of the 4th year thereof to award appropriate degrees.

(June 23, 1873, p. 50, ch. 8, § 3; Feb. 25, 1929, 45 Stat. 1276, ch. 314, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-117.

1973 Ed., § 31-118.

§ 38-152. EDUCATION OF PAGES.

The Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

(July 10, 1972, 86 Stat. 441, Pub. L. 92-342, § 101; Aug. 5, 1977, 91 Stat. 671, Pub. L. 95-94, title I.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-118.

1973 Ed., § 31-121.

§ 38-153. COORDINATION OF MUNICIPAL PROGRAMS.

(a) The Board of Education and the Mayor of the District of Columbia shall jointly develop procedures to assure the maximum coordination of educational and other municipal programs and services in achieving the most effective educational system and utilization of educational facilities and services to serve broad community needs. Such procedures shall cover such matters as:

- (1) Design and construction of educational facilities to accommodate civic and community activities such as recreation, adult and vocational education and training, and other community purposes;
- (2) Full utilization of educational facilities during nonschool hours for community purposes;
- (3) Utilization of municipal services, such as police, sanitation, recreational, and maintenance services to enhance the effectiveness and stature of the school in the community;
- (4) Arrangements for cost-sharing and reimbursements on school and community programs involving utilization of educational facilities and services; and
- (5) Other matters of mutual interest and concern.

(b) The Board of Education may invite the Mayor of the District of Columbia or his designee to attend and participate in meetings of the Board on matters pertaining to coordination of educational and other municipal programs and services and on such other matters as may be of mutual interest.

(Apr. 22, 1968, 82 Stat. 107, Pub. L. 90-292, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-106.

1973 Ed., § 31-104b.

Change in Government

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Establishment of District of Columbia Advisory Committee on Education: See Mayor's Order 89-256, November 7, 1989.

Establishment--D.C. State Advisory Council on Adult Education participatory planning committee: See Mayor's Order 90-179, November 29, 1990.

§ 38-154. ANNUAL REPORT AND BUDGET REVISION OF THE CHANCELLOR.[REPEALED]

(Sept. 30, 1994, 108 Stat. 2594, Pub. L. 103-334, § 143; Apr. 9, 1997, D.C. Law 11-255, § 32, 44 DCR 1271; July 18, 2000, D.C. Law 13-149, § 4, 47 DCR 4639; June 12, 2007, D.C. Law 17-9, § 1005, 54 DCR 4102; Mar. 25, 2009, D.C. Law 17-353, § 203(e), 56 DCR 1117; Sept. 24, 2010, D.C. Law 18- 223, § 4035, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-104.2.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 4035 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

Law 11-255, the "Second Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-905, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-519 and transmitted to both Houses of Congress for its review. D.C. Law 11-255 became effective on April 9, 1997.

For D.C. Law 13-149, see notes following § 38-101.

For Law 17-9, see notes under § 38-103.

For Law 17-353, see notes following § 38-102.

For Law 18-223, see notes following § 38-103.

§ 38-155. ADOPTION AND USE OF SEAL.

The Mayor is hereby authorized to adopt, alter and use a seal which shall be judicially noticed, and to prescribe rules and regulations as may be deemed necessary to implement this section.

(Aug. 2, 1978, D.C. Law 2-96, § 2, 25 DCR 1272; June 12, 2007, D.C. Law 17-9, § 1006, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-119.

1973 Ed., § 31-122.

Effect of Amendments

D.C. Law 17-9 substituted "The Mayor" for "The Board of Education of the District of Columbia".

Legislative History of Laws

Law 2-96 was introduced in Council and assigned Bill No. 2-111, which was referred to the Committee on Education, Recreation and Youth Affairs. The Bill was adopted on first and second readings on April 18, 1978, and May 2, 1978, respectively. Signed by the Mayor on May 26, 1978, it was assigned Act No. 2- 200 and transmitted to both Houses of Congress for its review.

For Law 17-9, see notes under § 38-103.

§ 38-156. POWER TO RAZE BUILDINGS; LIMITATIONS.

The Mayor, with the consent of the Council by resolution, shall have the power to raze structures. The razing of any building, structure, or part of any building or structure that is on the National Register of Historic Places, the District of Columbia inventory of historic sites, or for which application for one of these listings is pending, shall not be approved.

(June 20, 1906, ch. 3446, § 14, as added Sept. 11, 1990, D.C. Law 8-158, § 3, 37 DCR 4167; Apr. 12, 1997, D.C. Law 11-259, § 311, 44 DCR 1423; Oct. 19, 2000, D.C. Law 13-172, § 703, 47 DCR 6308; June 12, 2007, D.C. Law 17-9, § 1003(e), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-120.

Effect of Amendments

D.C. Law 13-172 deleted the concluding sentence providing: "Any contract services required to carry out this purpose shall be procured through the Office of Contracting and Procurement."

D.C. Law 17-9 substituted "The Mayor, with the consent of the Council by resolution," for "The Board of Education, upon the approval of the Mayor, and with the consent of the Council by resolution,".

Emergency Act Amendments

For temporary (90-day) authorization to fix and regulate salaries of teachers and other employees, see § 703 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 703 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

Law 8-158 was introduced in Council and assigned Bill No. 8-383, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on May 15, 1990, and May 29, 1990, respectively. Signed by the Mayor on June 18, 1990, it was assigned Act No. 8-220 and transmitted to both Houses of Congress for its review.

Law 11-259, the "Procurement Reform Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-705, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on January 3, 1997, it was assigned Act No. 11-526 and transmitted to both Houses of Congress for its review. D.C. Law 11-259 became effective on April 9, 1997.

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-175 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

For Law 17-9, see notes under § 38-103.

Miscellaneous Notes

Authorization to charge fees for educational courses: For temporary authorization of the District of Columbia Board of Education to charge fees for select adult, community, and continuing education courses, see §§ 2-5 of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Emergency Act of 1994 (D.C. Act 10-299, July 25, 1994, 41 DCR 5186).

Sections 2 - 5 of D.C. Law 10-192 provided for the temporary authorization of the District of Columbia Board of Education to charge fees for select adult, community, and continuing education courses. Section 6(b) of D.C. Law 10-192 provided that the act shall expire on the 225th day of its having taken effect or upon the effective date of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Act of 1994, whichever occurs first.

Compilation of inventories: For temporary provisions directing the Board of Education to compile each year accurate and verifiable inventories of both positions and employees, see § 701 of the Second Omnibus Budget Support Emergency Act of 1994 (D.C. Act 10-226, April 14, 1994, 41 DCR 2113).

Compilation of inventories: For provisions directing the Board of Education to compile each year accurate and verifiable inventories of both positions and employees, see § 701 of D.C. Law 10-128.

Demolition and development of the Oyster School building: Section 6(a) of D.C. Law 12-174 authorized the Board of Education, upon the approval of the Mayor, to raze the existing Oyster School building, following execution of the Development Agreement defined in § 2(7) of D.C. Law 12-174, notwithstanding the provisions of this section.

§ 38-157. CONTRACTING OUT OF FOOD SERVICES OPERATIONS AND SECURITY SERVICES; DEVELOPMENT OF MANAGEMENT AND DATA SYSTEMS.

(a) Notwithstanding any other law, rule, or regulation, the District of Columbia Public Schools shall contract out, beginning in School Year 1995-96 and Fiscal Year 1996, all food services operations and security services for the D.C. Public Schools unless the Chancellor determines that it is not feasible.

(b) Notwithstanding any other law, rule, or regulation, the District of Columbia Public Schools shall contract out for no more than a 3-year period, beginning in School Year 1995-96 and Fiscal Year 1996, the development of new management and data systems, as well as training of currently employed personnel to use and manage these systems, in the areas of budget, finance, personnel/human resources, management information services, procurement, and supply management.

(March 5, 1996, D.C. Law 11-98, § 1203, 43 DCR 5; June 12, 2007, D.C. Law 17-9, § 1007, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-121.

Effect of Amendments

D.C. Law 17-9 substituted "District of Columbia Public Schools" for "District of Columbia Board of Education" and "Chancellor" for "Superintendent".

Legislative History of Laws

Law 11-78, the "Budget Support Temporary Act of 1995," was introduced in Council and assigned Bill No. 11-421. The Bill was adopted on first and second readings on July 29, 1995, and October 10, 1995, respectively. Signed by the Mayor on October 31, 1995, it was assigned Act No. 11-150 and transmitted to both Houses of Congress for its review. D.C. Law 11-78 became effective on January 26, 1996.

Law 11-98, the "Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-440, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1995, and December 5, 1995, respectively. Signed by the Mayor on December 26, 1995, it was assigned Act No. 11-181 and transmitted to both Houses of Congress for its review. D.C. Law 11-98 became effective on March 5, 1996.

For Law 17-9, see notes under § 38-103.

§ 38-158. DETAIL OF OFFICERS TO TRAINING PROGRAM.

Pursuant to section 101(1)(c) and (d) of the Reserve Officers' Training Corps Vitalization Act of 1964, approved October 13, 1964 (78 Stat. 1063; 10 U.S.C. 2031(c) and (d)), the Board of Education, beginning in the 1995-96 School Year, shall request and ensure that active duty officers and noncommissioned officers of the U.S. Armed Forces be detailed as administrators and instructors to the District of Columbia Public Schools' Junior Reserve Officers' Training Corps program.

(March 5, 1996, D.C. Law 11-98, § 1204, 43 DCR 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-122.

Emergency Act Amendments

For temporary addition of section, see § 1405 of the Budget Support Emergency Act of 1995 (D.C. Act 11-137, August 14, 1995, 42 DCR 4706) § 1405 of the Budget Support Legislative Review Emergency Act of 1995 (D.C. Act 11-154, November 9, 1995, 42 DCR 6569), and § 1204 of the Budget Support Congressional Review Emergency Act of 1996 (D.C. Act 11-206, February 9, 1996, 43 DCR 777).

Legislative History of Laws

For legislative history of D.C. Law 11-78, see Historical and Statutory Notes following § 38-157.

For legislative history of D.C. Law 11-98, see Historical and Statutory Notes following § 38-157.

§ 38-159. PUBLIC SCHOOL ENROLLMENT CENSUS.

(a) The State Education Office and the District of Columbia Public Schools shall hire an independent contractor to perform a census of the enrolled students in the D.C. Public Schools as well as the school employees, their job classifications, and duties.

(b) The independent contractor shall count the number of students enrolled in the District of Columbia Public Schools. The count shall include the information specified in § 38-1804.02(b).

(c) The independent contractor shall submit the census report to the Council, Mayor, and the Financial Authority on or before January 1, 1999, and in subsequent years as needed.

(Mar. 26, 1999, D.C. Law 12-175, § 702, 45 DCR 7193; Oct. 21, 2000, D.C. Law 13-176, § 8(d), 47 DCR 6835.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2853.42a.

Effect of Amendments

D.C. Law 13-176, in subsec. (a), substituted "State Education Office" for "Board of Education".

Temporary Amendments of Section

Section 4 of D.C. Law 13-199, repealed subsec. (b), and rewrote subsec. (a) to provide:

"(a) The Board of Education and the District of Columbia Public Schools shall hire an independent contractor to perform a census of the school employees of the District of Columbia Public Schools, their job classifications, and duties."

Section 6(b) of the D.C. Law 13-199 provides that the act shall expire after 225 days of its having taken effect.

Section 4 of D.C. Law 14-38 repealed subsec. (b), and amended subsec. (a) to read as follows:

"(a) The Board of Education and the District of Columbia Public Schools shall hire an independent contractor to perform a census of the school employees of the District of Columbia Public Schools, their job classifications, and duties."

Section 6(b) of D.C. Law 14-38 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary addition of section, see § 402 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), and § 402 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669)

For temporary (90 day) amendment of section, see § 4 of the Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-453, November 7, 2000, 47 DCR 9406).

For temporary (90 day) amendment of section, see § 4 of Public School Enrollment Integrity Emergency Amendment Act of 2001 (D.C. Act 14-86, July 9, 2001, 48 DCR 6373).

For temporary (90 day) amendment of section, see § 4 of Public School Enrollment Integrity Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-192, November 29, 2001, 48 DCR 11239).

Legislative History of Laws

Law 12-175, the "Fiscal Year 1999 Budget Support Act of 1998," was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on the first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

For D.C. Law 13-176, see notes following § 38-302.

Law 14-38, the "Public School Enrollment Integrity Temporary Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-242, which was retained by Council. The Bill was adopted on first and second readings on June 5, 2001, and June 26, 2001, respectively. Signed by the Mayor on July 12, 2001, it was assigned Act No. 14-100 and transmitted to both Houses of Congress for its review. D.C. Law 14-38 became effective on October 13, 2001.

Miscellaneous Notes

Public School Enrollment Census Act of 1998: Section 701 of D.C. Law 12-175 provided that title VII of the act may be cited as the "Public School Enrollment Census Act of 1998."

§ 38-160. PUBLIC SCHOOLS SCHEDULE A SUBMISSION.

The District of Columbia Public Schools shall submit to the Board of Education by January 1st and July 1st of each year a Schedule A showing all the current funded positions of the District of Columbia Public Schools, their compensation levels, and indicating whether the positions are encumbered. The Board of Education shall approve or disapprove each Schedule A within 30 days of its submission and provide the Council of the District of Columbia a copy of the Schedule A within 5 days of its approval.

(Nov. 13, 2003, D.C. Law 15-39, § 362, 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 362 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

Law 15-39, the "Fiscal Year 2004 Budget Support Act of 2003", was introduced in Council and assigned Bill No. 15-218, which was referred to Committee on Whole. The Bill was adopted on first and second readings on May 6, 2003, and June 3, 2003, respectively. Signed by the Mayor on June 20, 2003, it was assigned Act No. 15-106 and transmitted to both Houses of Congress for its review. D.C. Law 15-39 became effective on November 13, 2003.

Miscellaneous Notes

Short title of subtitle G of title III of Law 15-39: Section 361 of D.C. Law 15-39 provided that subtitle G of title III of the act may be cited as the Public Schools Schedule A Submission Act of 2003.

§ 38-161. ATTENDANCE AT TEACHERS COLLEGE BY FOREIGN STUDENTS.

Notwithstanding any other provision of law, not to exceed 25 foreign students who are in the United States on valid unexpired student visas may be permitted to attend the District of Columbia Teachers College each year on the same basis, so far as payment of tuition and fees are concerned, as a resident of the District of Columbia. Admission to and attendance at such college by such students shall be subject to rules and regulations prescribed by the Board of Education of the District of Columbia.

(Apr. 23, 1958, 72 Stat. 98, Pub. L. 85-384, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

2001 Ed., § 38-301.

1981 Ed., § 31-601.

1973 Ed., § 31-301a.

References in Text

The District of Columbia Teachers College, referred to in this section, has been absorbed into the University of the District of Columbia pursuant to Chapter 12 of this title.