

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 11.
PUBLIC HIGHER EDUCATIONAL INSTITUTIONS.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 11. PUBLIC HIGHER EDUCATIONAL
INSTITUTIONS.

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CHAPTER 11. PUBLIC HIGHER EDUCATIONAL INSTITUTIONS.

SUBCHAPTER I. FEDERAL CITY COLLEGE.

§ 38-1101. DEFINITIONS.

As used in this subchapter:

- (1) The term "Federal City College" means the public college of arts and sciences established pursuant to this subchapter. Such college shall be organized and administered to provide:
 - (A) A 4-year program in the liberal arts and sciences acceptable toward a bachelor of arts degree, including courses in teacher education;
 - (B) A 2-year program:
 - (i) Which is acceptable for full credit toward a bachelor's degree or for a degree of associate in arts, and which may include courses in business education, secretarial training, and business administration; or
 - (ii) In engineering, mathematics or the physical and biological sciences which is designed to prepare a student to work as a technician or at a semiprofessional level in engineering, sciences, or other technical fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;
 - (C) Educational programs of study as may be acceptable for a master's degree; and
 - (D) Courses on an individual, noncredit basis to those desiring to further their education without seeking a degree.
- (2) The term "Mayor" means the Mayor of the District of Columbia.
- (3) The term "Board" means the Board of Higher Education established in § 38-1102.
- (4) The term "Board of Education" means the Board of Education of the District of Columbia established by § 1-204.95.

(Nov. 7, 1966, 80 Stat. 1426, Pub. L. 89-791, title I, § 101.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1401.

1973 Ed., § 31-1601.

References in Text

The Federal City College, referred to throughout this subchapter, has been absorbed into the University of the District of Columbia pursuant to Chapter 12 of this title.

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.

§ 38-1102. BOARD OF HIGHER EDUCATION--COMPOSITION; APPOINTMENT; TERMS; COMPENSATION; REMOVAL; LIABILITY.

(a) The Federal City College shall be under the control of a Board of Higher Education, which shall consist of 9 members of whom not less than 5 shall have been residents of the District of Columbia for a period of not less than 3 years immediately prior to their appointments. The members of the Board (including all members appointed to fill vacancies on such Board) shall be appointed by the Mayor. The members of the Board shall select a chairman from among their number. Such members shall be appointed for terms of 3 years; except that the terms of office of the members 1st taking office shall expire, as designated by the Mayor at the time of appointment, 3 at the end of 1 year, 3 at the end of 2 years, and 3 at the end of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. Members of the Board shall serve without compensation, but may be reimbursed for their travel expenses, including per diem in lieu of subsistence, as authorized by § 5703 of Title 5, United States Code, for persons serving the government without compensation.

(b) The Mayor shall have the power to remove any member of the Board at any time for adequate cause, which relates to his character or to his efficiency as a member, after notice and opportunity for hearing.

(c) The members of the Board shall not be personally liable in damages for any official action of the Board in which such members participate, nor shall they 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 against the municipality; nor shall the Board or any of its members be required to give any bond or security for costs or damages on any appeal whatever.

(Nov. 7, 1966, 80 Stat. 1426, Pub. L. 89-791, title I, § 102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1402.

1973 Ed., § 31-1602.

Editor's Notes

The Board of Higher Education and the Vocational Board were abolished on the day the Board of Trustees of the University of the District of Columbia convened its first meeting. See § 38-1202.08.

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.

§ 38-1103. BOARD OF HIGHER EDUCATION--POWERS AND DUTIES.

(a) The Board is vested with the following powers and duties:

(1) To develop detailed plans for and to establish, organize, and operate in the District of Columbia the Federal City College;

(2) To establish policies, standards, and requirements governing admission, programs, graduation (including the award of degrees) and general administration of the Federal City College;

(3) To appoint and compensate, without regard to the civil service laws or Chapter 51 and subchapter III of Chapter 53 of Title 5, United States Code, a President for the Federal City College;

(4) To employ and compensate such officers as it determines necessary for the Federal City College and such educational employees for the Federal City College as the President thereof may recommend in writing. Such officers and educational employees may be employed and compensated without regard to: (A) the civil service laws; (B) Chapter 51 and subchapter III of Chapter 53 of Title 5,

United States Code (relating to classification of positions in government service); (C) §§ 6301 through 6305 and 6307 through 6311 of Title 5, United States Code (relating to annual and sick leave for federal employees); (D) Chapter 15 and §§ 7324 through 7327 of Title 5, United States Code (relating to political activities of government employees); (E) § 3323 and subchapter III of Chapter 83 of Title 5, United States Code (relating to civil service retirement); and (F) §§ 3326, 3501, 3502, 5531 through 5533, and 6303 of Title 5, United States Code (relating to dual pay and dual employment); but the employment and compensation of such officers and educational employees shall be subject to: (i) sections 7902, 8101 through 8138, and 8145 through 8150 of Title 5, United States Code, and §§ 292 and 1920 through 1922 of Title 18, United States Code (relating to compensation for work injuries); (ii) Chapter 87 of Title 5, United States Code (relating to government employees group life insurance); (iii) Chapter 89 of Title 5, United States Code (relating to health insurance for government employees); and (iv) §§ 1302, 2108, 3305, 3306, 3308 through 3320, 3351, 3363, 3364, 3501 through 3504, 7511, 7512, and 7701 of Title 5, United States Code (relating to veteran's preference). Subject to the approval of the Mayor, the compensation schedules for such officers and employees shall be fixed and adjusted from time to time consistent with the public interest and in accordance with rates for comparable types of positions in like institutions of higher education. Salary levels shall be determined based on duties, responsibilities, and qualifications. The Board, upon the recommendations of the president of the college, shall establish, with the approval of the Mayor and without regard to the provisions of any other law, retirement and leave systems for such officers and employees which shall be comparable to such systems in like institutions of higher education;

(5) To employ and compensate noneducational employees of the Board and of the Federal City College in accordance with:

(A) The civil service laws;

(B) Chapter 51 and subchapter III of Chapter 53 of Title 5, United States Code (relating to classification of positions in government service);

(C) Section 3323 and subchapter III of Chapter 83 of Title 5, United States Code (relating to civil service retirement);

(D) Sections 7902, 8101 through 8138, and 8145 through 8150 of Title 5, United States Code, and §§ 292 and 1920 through 1922 of Title 18, United States Code (relating to compensation for work injuries);

(E) Chapter 87 of Title 5, United States Code (relating to government employees group life insurance);

(F) Chapter 89 of Title 5, United States Code (relating to health insurance for government employees);

(G) Sections 1302, 2108, 3305, 3306, 3308 through 3320, 3351, 3363, 3364, 3501 through 3504, 7511, 7512, and 7701 of Title 5, United States Code (relating to veteran's preference); and

(H) Any other laws applicable to noneducational employees of the Board of Education;

(6) To fix, from time to time, tuition to be paid by students attending the Federal City College. Tuition charged nonresidents shall be fixed in such amounts as will, to the extent feasible, approximate the cost to the District of Columbia of the services for which such charge is imposed. Receipts from the tuition charged students attending the college shall be deposited to the credit of the General Fund of the District of Columbia;

(7) To fix, from time to time, fees to be paid by students attending the Federal City College. Receipts from such fees shall be deposited into a revolving fund in a private depository in the District, which fund shall be available, without fiscal year limitation, for such purposes as the Board shall approve. The Board is authorized to make necessary rules respecting deposits into and withdrawals from such fund;

(8) To transmit annually to the Mayor estimates of the appropriation required for the Federal City College for the ensuing year;

(9) To accept services and moneys, including gifts or endowments, from any source whatsoever, for use in carrying out the purposes of this subchapter. Such moneys shall be deposited in the Treasury of the United States to the credit of a trust fund account which is hereby authorized and may be invested and reinvested as trust funds of the District of Columbia. The disbursement of the moneys from such trust funds shall be in such amounts, to such extent, and in such manner as the Board, in its judgment, may determine necessary to carry out the purposes of this subchapter;

(10) To submit to the Mayor recommendations relating to legislation affecting the administration and programs of the Federal City College;

(11) To make such rules and regulations as the Board deems necessary to carry out the purposes of this subchapter;

(12) To assume control of the District of Columbia Teachers College established pursuant to § 38-151, from the Board of Education at such time as may be mutually agreed upon by such Boards and approved by the Mayor. At such time, the personnel, property, records, and unexpended balances of

appropriations, allocations, and other funds available or to be made available for such Teachers College are authorized to be transferred to, and brought under the control of, such Board of Higher Education, except that the laboratory schools shall remain under the control and management, and the employees assigned to such schools shall remain subject to the supervision of, the Board of Education. The noneducational employees of the Teachers College at the time the control of such Teachers College is assumed by the Board of Higher Education, shall retain all benefits provided by any law applicable to noneducational employees of the Board of Education, and shall be subject to any benefits provided for noneducational employees of the Board of Higher Education. The educational employees of the Teachers College at the time the control of such College is assumed by the Board of Higher Education shall be subject to the same benefits provided for all educational employees of the Board of Higher Education pursuant to paragraph (4) of this subsection, except that such educational employees may elect, within 90 days of such time, to remain subject to the provisions of part A of subchapter II of Chapter 20 of this title;

(13) To provide for the crediting to educational employees of the Teachers College, pursuant to the leave system established for educational employees of the Board of Higher Education under this subchapter, leave accumulated pursuant to the provisions of § 38-1909.

(b) A person shall, at the time of his registration to attend the Federal City College, be considered to be a legal resident of the District of Columbia for purposes of paragraph (6) of subsection (a) of this section if:

(1) Such person is domiciled in the District of Columbia on the date of such registration and has been so domiciled during all of the 3-month period immediately preceding such date; and

(2) In case such person on such date: (A) has not attained 21 years of age; (B) has not been relieved of the disabilities of minority by order of a court of competent jurisdiction; and (C) has a living parent or a court-appointed guardian or custodian; there is domiciled in the District of Columbia on such date an individual who is the parent or court-appointed guardian or custodian of such person, and who has been so domiciled for all of the 3-month period immediately preceding such date.

(Nov. 7, 1966, 80 Stat. 1427, Pub. L. 89-791, title I, § 103.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1403.

1973 Ed., § 31-1603.

References in Text

"Section 3306 of Title 5, United States Code," referred to in subsections (a)(4)(iv) and (a)(5)(G), was repealed by the Act of February 10, 1978, 92 Stat. 25, Pub. L. 95-228.

"Section 3364 of Title 5, United States Code," referred to in subsections (a)(4)(iv) and (a)(5)(G), was repealed by the Act of December 31, 1975, 89 Stat. 1057, Pub. L. 94-183.

Editor's Notes

The Board of Higher Education and the Vocational Board were abolished on the day the Board of Trustees of the University of the District of Columbia convened its first meeting. See § 38-1202.08.

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.

§ 38-1104. BOARD OF HIGHER EDUCATION--FACILITIES.

The Mayor and the Board of Education may furnish to the Board, upon request of such Board, such space and facilities in private buildings or in public buildings of the government of the District of Columbia, records, information, services, personnel, offices, and equipment as may be available and which are necessary to enable the Board properly to perform its functions under this subchapter.

(Nov. 7, 1966, 80 Stat. 1429, Pub. L. 89-791, title I, § 104.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1404.

1973 Ed., § 31-1604.

Editor's Notes

The Board of Higher Education and the Vocational Board were abolished on the day the Board of Trustees of the University of the District of Columbia convened its first meeting. See § 38-1202.08.

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.

§ 38-1105. FISCAL ACCOUNTABILITY.

All obligations and disbursements for the purpose of this subchapter shall be incurred, made, and accounted for in the same manner as other obligations and disbursements for the District of Columbia and, except as provided in paragraph (9) of subsection (a) of § 38-1103, under the direction and control of the Mayor.

(Nov. 7, 1966, 80 Stat. 1430, Pub. L. 89-791, title I, § 105.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1405.

1973 Ed., § 31-1605.

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.

§ 38-1106. APPROPRIATIONS.

There is authorized to be appropriated from the revenues of the District of Columbia an amount not to exceed \$50,000,000 to carry out the purposes of this subchapter and subchapter II of this chapter. The authorization made by this section shall include any amounts made available pursuant to § 10-619.

(Nov. 7, 1966, 80 Stat. 1433, Pub. L. 89-791, title III, § 301(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1406.

1973 Ed., § 31-1606.

§ 38-1107. LAND-GRANT COLLEGES.

In the administration of: (1) the Act of August 30, 1890 (7 U.S.C. §§ 321 to 326, and 328) (known as the Second Morrill Act); (2) the 10th paragraph under the heading "Emergency Appropriations" in the Act of March 4, 1907 (7 U.S.C. § 322) (known as the Nelson Amendment); (3) § 22 of the Act of June 29, 1935 (7 U.S.C. § 329) (known as the Bankhead-Jones Act); (4) the Act of March 4, 1940 (7 U.S.C. §§ 1621 to 1627); (5) the Agricultural Marketing Act of 1946 (7 U.S.C. §§ 1621 to 1629); and (6) § 38-1108; the Federal City College and the Washington Technical Institute shall each be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (7 U.S.C. §§ 301 to 305, 307, and 308) (known as the First Morrill Act); and the term "state" as used in the laws and provisions of law listed in the preceding clauses of this section shall include the District of Columbia.

(Nov. 7, 1966, Pub. L. 89-791, title I, § 107; June 20, 1968, 82 Stat. 241, Pub. L. 90-354, § 1; Jan. 5, 1971, 84 Stat. 1935, Pub. L. 91-650, title IV, § 401(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1407.

1973 Ed., § 31-1607.

§ 38-1108. APPROPRIATION IN LIEU OF DONATION OF PUBLIC LANDS.

In lieu of extending to the District of Columbia those provisions of the Act of July 2, 1862 (7 U.S.C. §§ 301 to 305, 307, and 308), relating to donations of public lands or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated to the District of Columbia the sum of \$7,241,706. Amounts appropriated under this section shall be held and considered to have been granted to the District of Columbia subject to those provisions of that Act applicable to the proceeds from the sale of land or land scrip, except that the funds appropriated in this section also may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia. In addition, any proceeds and interest accruing thereon, which remain from the sale of the former radio station WDCU in an escrow account of the District of Columbia Financial Management and Assistance Authority for the benefit of the University of the District of Columbia, shall be used for the University of the District of Columbia's Endowment Fund. Such proceeds may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia.

(Nov. 7, 1966, Pub. L. 89-791, title I, § 108(b); June 20, 1968, 82 Stat. 241, Pub. L. 90-354, § 1; Oct. 21, 1998, 112 Stat. 2681-142, Pub. L. 105-277, § 139; Jul. 24, 2001, Pub. L. 107-20, Chap. 3, 115 Stat. 155.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1408.

1973 Ed., § 31-1608.

Effect of Amendments

Section 139 of Pub. L. 105-277 added the exception to the end of the second sentence.

Pub.L. 107-20 added the last sentence.

§ 38-1109. FEDERAL CITY COLLEGE AND WASHINGTON TECHNICAL INSTITUTE ADMINISTERED AS LAND-GRANT COLLEGES; APPROPRIATIONS; ALLOCATIONS TO FEDERAL EXTENSION SERVICE OF DEPARTMENT OF AGRICULTURE.

(a) In the administration of the Act of May 8, 1914 (7 U.S.C. §§ 341-346, 347a-349) (known as the Smith-Lever Act):

(1) The Federal City College and the Washington Technical Institute shall each be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862 (7 U.S.C. §§ 301-305, 307, 308); and

(2) The term "state" as used in such Act of May 8, 1914, shall include the District of Columbia, except that the District of Columbia shall not be eligible to receive any sums appropriated under 7 U.S.C. § 343.

(b) In lieu of an authorization of appropriations for the District of Columbia under 7 U.S.C. § 343, there is authorized to be appropriated to the District of Columbia such sums as may be necessary to provide

cooperative agricultural extension work in the District of Columbia under such Act. For the fiscal years ending June 30, 1969, and June 30, 1970, sums appropriated under this subsection may be used to pay the total cost of providing such extension work; and for each fiscal year thereafter such sums may be used to pay no more than one half of such cost. Any reference in such Act (other than 7 U.S.C. § 343) to funds appropriated under such Act shall in the case of the District of Columbia be considered a reference to funds appropriated under this subsection.

(c) Four per centum of the sums appropriated under subsection (b) of this section for each fiscal year shall be allotted to the Federal Extension Service of the Department of Agriculture for administrative, technical, and other services provided by the Service in carrying out the purposes of this section.

(Nov. 7, 1966, Pub. L. 89-791, title I, § 109; June 20, 1968, 82 Stat. 241, Pub. L. 90-354, § 1; Jan. 5, 1971, 84 Stat. 1935, Pub. L. 91-650, title IV, § 401(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1409.

1973 Ed., § 31-1609.

References in Text

"Such Act" referred to throughout subsection (b), means the Act of May 8, 1914, codified in §§ 341 to 346 and 347a to 349 of Title 7, United States Code.

§ 38-1110. GRANTS TO FEDERAL CITY COLLEGE AND WASHINGTON TECHNICAL INSTITUTE.

Grants to the District of Columbia under the acts referred to in § 38-1107 and under § 38-1109(b) and the earnings of sums appropriated under § 38-1108 shall be shared equally between the Federal City College and the Washington Technical Institute.

(Nov. 7, 1966, Pub. L. 89-791, title I, § 110; Jan. 5, 1971, 84 Stat. 1935, Pub. L. 91-650, title IV, § 401(c).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1410.

1973 Ed., § 31-1610.

§ 38-1111. CONSTRUCTION OF §§ 38-1107 AND 38-1109.

Sections 38-1107 and 38-1109 provide that the Washington Technical Institute shall be considered to be a college established for the benefit of agriculture and the mechanic arts in accordance with the provisions of the Act of July 2, 1862, for the purpose of enabling the Washington Technical Institute to share, under § 38-1110, with the Federal City College:

- (1) Grants under the acts referred to in § 38-1107;
- (2) Grants under § 38-1109(b); and
- (3) Earnings of sums appropriated under § 38-1108.

(Nov. 7, 1966, Pub. L. 89-791, title I, § 111; Jan. 5, 1971, 84 Stat. 1936, Pub. L. 91-650, title IV, § 401(c).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1411.

1973 Ed., § 31-1611.

References in Text

"The Act of July 2, 1862," referred to in this section, is known as the First Morrill Act and is codified in 7 U.S.C. §§ 301 to 305, 307, and 308.

§ 38-1112. STATE CONSENT REQUIREMENT SATISFIED.

The enactment of §§ 38-1107 and 38-1109 shall, as respects the District of Columbia, be deemed to

satisfy any requirement of state consent contained in any of the laws or provisions of law referred to in such sections.

(Nov. 7, 1966, Pub. L. 89-791, title I, § 112; June 20, 1968, 82 Stat. 242, Pub. L. 90-354, § 1; Jan. 5, 1971, 84 Stat. 1935, Pub. L. 91-650, title IV, § 401(c).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1412.

1973 Ed., § 31-1612.

SUBCHAPTER II. WASHINGTON TECHNICAL INSTITUTE.

§ 38-1121. DEFINITIONS.

As used in this subchapter:

(1) The term "Washington Technical Institute" means the vocational and technical school established pursuant to this subchapter. Such institute shall provide:

(A) Vocational and technical education designed to fit individuals for useful employment in recognized occupations; and

(B) Vocational and technical courses on an individual, noncredit basis.

(2) The term "Mayor" means the Mayor of the District of Columbia.

(3) The term "Vocational Board" means the Board of Vocational Education established by § 38-1122.

(4) The term "Board of Education" means the Board of Education of the District of Columbia established by § 1-204.95.

(Nov. 7, 1966, 80 Stat. 1430, Pub. L. 89-791, title II, § 201.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1421.

1973 Ed., § 31-1621.

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.

§ 38-1122. BOARD OF VOCATIONAL EDUCATION--COMPOSITION; APPOINTMENT; COMPENSATION; REMOVAL; LIABILITY.

(a) The Washington Technical Institute shall be under the control of a Board of Vocational Education which shall consist of 9 members appointed by the President of the United States. Of the 9 members, at least 6 shall be selected from industry. The members of the Vocational Board shall select a chairman from among their own number. The members of the Vocational Board shall be appointed for terms of 3 years; except that the terms of office of the members 1st taking office shall expire, as designated by the President at the time of appointment, 3 at the end of 1 year, 3 at the end of 2 years, and 3 at the end of 3 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. A vacancy in the Vocational Board shall be filled in the same manner as the original appointment was made. Members of the Vocational Board shall serve without compensation, but may be reimbursed for their travel expenses, including per diem in lieu of subsistence, as authorized by § 5703 of Title 5, United States Code, for persons serving the

government without compensation.

(b) The President of the United States may remove, in accordance with the provisions of this subsection, any member of the Vocational Board for adequate cause affecting his character and efficiency as a member. If the President determines that, with respect to any such member, there is adequate cause affecting his character and efficiency as a member, the President may appoint a special investigating board, consisting of not more than 3 members, to consider the matter. The investigating board, in considering such matter, shall hold public hearings and, on the basis thereof, report to the President with respect to their findings of fact and recommendations. Following the receipt by him of such report, the President may remove such member from office.

(c) The members of the Vocational Board shall not be personally liable in damages for any official action of the Vocational Board in which such members participate, nor shall they be liable for any costs that may be taxed against them or the Vocational Board on account of any such official action by them as members of the Vocational Board, but such costs shall be charged to the District of Columbia and paid as other costs are paid in suits against the municipality; nor shall the Vocational Board or any of its members be required to give any bond or security for costs or damages on any appeal whatever.

(Nov. 7, 1966, 80 Stat. 1430, Pub. L. 89-791, title II, § 202.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1422.

1973 Ed., § 31-1622.

Editor's Notes

The Board of Higher Education and the Vocational Board were abolished on the day the Board of Trustees of the University of the District of Columbia convened its first meeting. See § 38-1202.08.

§ 38-1123. BOARD OF VOCATIONAL EDUCATION--POWERS AND DUTIES.

(a) The Board is hereby vested with the following powers and duties:

(1) To develop detailed plans for and to establish, organize, and operate in the District of Columbia the Washington Technical Institute;

(2) To establish policies, standards, and requirements governing admission, programs, graduation (including the award of degrees) and general administration of the Washington Technical Institute;

(3) To appoint and compensate, without regard to the civil service laws or Chapter 51 and subchapter III of Chapter 53 of Title 5, United States Code, a President for the Washington Technical Institute;

(4) To employ and compensate such officers as it determines necessary for the Washington Technical Institute, and such educational employees for the Washington Technical Institute as the president thereof may recommend in writing. Such officers and educational employees may be employed and compensated without regard to: (A) the civil service laws; (B) Chapter 51 and subchapter III of Chapter 53 of Title 5, United States Code (relating to classification of positions in government service); (C) §§ 6301 through 6305 and 6307 through 6311 of Title 5, United States Code (relating to annual and sick leave for federal employees); (D) Chapter 15 and §§ 7324 through 7327 of Title 5, United States Code (relating to political activities of government employees); (E) § 3323 and subchapter III of Chapter 83 of Title 5, United States Code (relating to civil service retirement); and (F) §§ 3326, 3501, 3502, 5531 through 5533, and 6303 of Title 5, United States Code (relating to dual pay and dual employment); but the employment and compensation of such officers and educational employees shall be subject to: (i) Sections 7902, 8101 through 8138, and 8145 through 8150 of Title 5, United States Code, and §§ 292 and 1920 through 1922 of Title 18, United States Code (relating to compensation for work injuries); (ii) Chapter 87 of Title 5, United States Code (relating to government employees group life insurance); (iii) Chapter 89 of Title 5, United States Code (relating to health insurance for government employees); and (iv) §§ 1302, 2108, 3305, 3306, 3308 through 3320, 3351, 3363, 3364, 3501 through 3504, 7511, 7512, and 7701 of Title 5, United States Code (relating to veteran's preference). Subject to the approval of the Mayor, the compensation schedules for such officers and employees shall be fixed and adjusted from time to time consistent with the public interest and in accordance with rates for comparable types of positions in like technical institutes. Salary levels shall be determined based on duties, responsibilities, and qualifications. The Vocational Board, upon the recommendations of the President of the Washington Technical Institute, shall establish, with the approval of the Mayor and without regard to the provisions of any other law, retirement and leave systems for such officers and employees which shall be comparable to such systems in like technical institutes;

(5) To employ and compensate noneducational employees of the Vocational Board and the Washington Technical Institute in accordance with:

- (A) The civil service laws;
 - (B) Chapter 51 and subchapter III of Chapter 53 of Title 5, United States Code (relating to classification of positions in government service);
 - (C) Section 3323 and subchapter III of Chapter 83 of Title 5, United States Code (relating to civil service retirement);
 - (D) Sections 7902, 8101 through 8138, and 8145 through 8150 of Title 5, United States Code, and §§ 292 and 1920 through 1922 of Title 18, United States Code (relating to compensation for work injuries);
 - (E) Chapter 87 of Title 5, United States Code (relating to government employee's group life insurance);
 - (F) Chapter 89 of Title 5, United States Code (relating to health insurance for government employees);
 - (G) Sections 1302, 2108, 3305, 3306, 3308 through 3320, 3351, 3363, 3364, 3501 through 3504, 7511, 7512, and 7701 of Title 5, United States Code (relating to veteran's preference); and
 - (H) Any other laws applicable to noneducational employees of the Board of Education;
- (6) To fix, from time to time, tuition to be paid by students attending the Washington Technical Institute. Tuition charged nonresidents shall be fixed in such amounts as will, to the extent feasible, approximate the cost to the District of Columbia of the services for which such charge is imposed. Receipts from the tuition charged students attending the institute shall be deposited to the credit of the General Fund of the District of Columbia;
- (7) To fix, from time to time, fees to be paid by students attending the Washington Technical Institute. Receipts from such fees shall be deposited into a revolving fund in a private depository in the District, which fund shall be available, without fiscal year limitation, for such purposes as the Vocational Board shall approve. The Vocational Board is authorized to make necessary rules respecting deposits into and withdrawals from such fund;
- (8) To transmit annually to the Mayor estimates of the appropriation required for the Washington Technical Institute for the ensuing year;
- (9) To accept services and moneys, including gifts or endowments, from any source whatsoever, for use in carrying out the purposes of this subchapter. Such moneys shall be deposited in the Treasury of the United States to the credit of a trust fund account which is hereby authorized and may be invested and reinvested as trust funds of the District of Columbia. The disbursement of the moneys from such trust funds shall be in such amounts, to such extent, and in such manner as the Vocational Board, in its judgment, may determine necessary to carry out the purposes of this subchapter;
- (10) To submit to the Mayor recommendations relating to legislation affecting the administration and programs of the Washington Technical Institute;
- (11) To make such rules and regulations as the Vocational Board deems necessary to carry out the purposes of this subchapter.
- (b) A person shall, at the time of his registration to attend the Washington Technical Institute, be considered to be a legal resident of the District of Columbia for purposes of paragraph (6) of subsection (a) of this section if:
- (1) Such person is domiciled in the District of Columbia on the date of such registration and has been so domiciled during all of the 3-month period immediately preceding such date; and
 - (2) In case such person on such date: (A) has not attained 21 years of age; (B) has not been relieved of the disabilities of minority by order of a court of competent jurisdiction; and (C) has a living parent or a court-appointed guardian or custodian; there is domiciled in the District of Columbia on such date an individual who is the parent or court-appointed guardian or custodian of such person, and who has been so domiciled for all of the 3-month period immediately preceding such date.

(Nov. 7, 1966, 80 Stat. 1431, Pub. L. 89-791, title II, § 203.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1423.

1973 Ed., § 31-1623.

References in Text

"Section 3306 of Title 5, United States Code," referred to in subsections (a)(4)(iv) and (a)(5)(G), was repealed by the Act of February 10, 1978, 92 Stat. 25, Pub. L. 95-228.

"Section 3364 of Title 5, United States Code," referred to in subsections (a)(4)(iv) and (a)(5)(G), was

repealed by the Act of December 31, 1975, 89 Stat. 1057, Pub. L. 94-183.

Editor's Notes

The Board of Higher Education and the Vocational Board were abolished on the day the Board of Trustees of the University of the District of Columbia convened its first meeting. See § 38-1202.08.

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.

§ 38-1124. BOARD OF VOCATIONAL EDUCATION--FACILITIES.

The Mayor and the Board of Education may furnish to the Vocational Board, upon request of such Board, such space and facilities in private buildings or in public buildings of the government of the District of Columbia, records, information, services, personnel, offices, and equipment as may be available and which are necessary to enable the Vocational Board properly to perform its functions under this subchapter.

(Nov. 7, 1966, 80 Stat. 1433, Pub. L. 89-791, title II, § 204.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1424.

1973 Ed., § 31-1624.

Editor's Notes

The Board of Higher Education and the Vocational Board were abolished on the day the Board of Trustees of the University of the District of Columbia convened its first meeting. See § 38-1202.08.

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.

§ 38-1125. FISCAL ACCOUNTABILITY.

All obligations and disbursements for the purpose of this subchapter shall be incurred, made, and accounted for in the same manner as other obligations and disbursements for the District of Columbia and, except as provided in paragraph (9) of subsection (a) of § 38-1123, under the direction and control of the Mayor.

(Nov. 7, 1966, 80 Stat. 1433, Pub. L. 89-791, title II, § 205.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-1425.

1973 Ed., § 31-1625.

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.