

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 38.**  
**EDUCATIONAL INSTITUTIONS.**

**CHAPTER 16.**  
**LAW SCHOOL CLINICAL PROGRAMS**  
**FUNDING.[REPEALED]**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 16. LAW SCHOOL CLINICAL PROGRAMS**  
**FUNDING.[REPEALED]**

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# CHAPTER 16. LAW SCHOOL CLINICAL PROGRAMS FUNDING.[REPEALED]

## § 38-1601. FINDINGS.[REPEALED]

(Mar. 3, 1979, D.C. Law 2-143, § 2, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 31-1901.

1973 Ed., § 31-2101.

#### *Legislative History of Laws*

Law 10-224, the "Budget Spending Reduction Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-818. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-361 and transmitted to both Houses of Congress for its review. D.C. Law 10-224 became effective on March 16, 1995.

Law 10-234, the "Budget Spending Reduction Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-763, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-377 and transmitted to both Houses of Congress for its review. D.C. Law 10-234 became effective on March 21, 1995.

#### *Miscellaneous Notes*

D.C. Law 10-224, § 3 (41 DCR 8055), eff. March 16, 1995, provides for the temporary repeal of this chapter. Section 4(b) of D.C. Law 10-224 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Budget Spending Reduction Amendment Act of 1994, whichever occurs first."

D.C. Law 10-253, title XII, § 1202 (42 DCR 721), eff. March 23, 1995, provides for the temporary repeal of this chapter. Title XIII, § 1301(b) of D.C. Law 10-253 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first."

## § 38-1602. PROGRAM ESTABLISHED.[REPEALED]

(Mar. 3, 1979, D.C. Law 2-143, § 3, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 31-1902.

1973 Ed., § 31-2102.

#### *Legislative History of Laws*

Law 10-224, the "Budget Spending Reduction Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-818. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-361 and transmitted to both Houses of Congress for its review. D.C. Law 10-224 became effective on March 16, 1995.

Law 10-234, the "Budget Spending Reduction Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-763, which was referred to the Committee of the Whole. The Bill was adopted on first

and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-377 and transmitted to both Houses of Congress for its review. D.C. Law 10-234 became effective on March 21, 1995.

*Miscellaneous Notes*

D.C. Law 10-224, § 3 (41 DCR 8055), eff. March 16, 1995, provides for the temporary repeal of this chapter. Section 4(b) of D.C. Law 10-224 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Budget Spending Reduction Amendment Act of 1994, whichever occurs first."

D.C. Law 10-253, title XII, § 1202 (42 DCR 721), eff. March 23, 1995, provides for the temporary repeal of this chapter. Title XIII, § 1301(b) of D.C. Law 10-253 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first."

### **§ 38-1603. ADMINISTRATION OF GRANTS.[REPEALED]**

(Mar. 3, 1979, D.C. Law 2-143, § 4, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 31-1903.

1973 Ed., § 31-2103.

*Legislative History of Laws*

Law 10-224, the "Budget Spending Reduction Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-818. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-361 and transmitted to both Houses of Congress for its review. D.C. Law 10-224 became effective on March 16, 1995.

Law 10-234, the "Budget Spending Reduction Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-763, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-377 and transmitted to both Houses of Congress for its review. D.C. Law 10-234 became effective on March 21, 1995.

*Miscellaneous Notes*

D.C. Law 10-224, § 3 (41 DCR 8055), eff. March 16, 1995, provides for the temporary repeal of this chapter. Section 4(b) of D.C. Law 10-224 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Budget Spending Reduction Amendment Act of 1994, whichever occurs first."

D.C. Law 10-253, title XII, § 1202 (42 DCR 721), eff. March 23, 1995, provides for the temporary repeal of this chapter. Title XIII, § 1301(b) of D.C. Law 10-253 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first."

### **§ 38-1604. ELIGIBILITY FOR FUNDS.[REPEALED]**

(Mar. 3, 1979, D.C. Law 2-143, § 5, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 31-1904.

1973 Ed., § 31-2104.

*Legislative History of Laws*

Law 10-224, the "Budget Spending Reduction Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-818. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-361 and transmitted to both Houses of Congress for its review. D.C. Law 10-224 became effective on March 16, 1995.

Law 10-234, the "Budget Spending Reduction Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-763, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on

December 27, 1994, it was assigned Act No. 10-377 and transmitted to both Houses of Congress for its review. D.C. Law 10-234 became effective on March 21, 1995.

*Miscellaneous Notes*

D.C. Law 10-224, § 3 (41 DCR 8055), eff. March 16, 1995, provides for the temporary repeal of this chapter. Section 4(b) of D.C. Law 10-224 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Budget Spending Reduction Amendment Act of 1994, whichever occurs first."

D.C. Law 10-253, title XII, § 1202 (42 DCR 721), eff. March 23, 1995, provides for the temporary repeal of this chapter. Title XIII, § 1301(b) of D.C. Law 10-253 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first."

## **§ 38-1605. PROHIBITED USE OF FUNDS.[REPEALED]**

(Mar. 3, 1979, D.C. Law 2-143, § 6, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 31-1905.

1973 Ed., § 31-2105.

*Legislative History of Laws*

Law 10-224, the "Budget Spending Reduction Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-818. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-361 and transmitted to both Houses of Congress for its review. D.C. Law 10-224 became effective on March 16, 1995.

Law 10-234, the "Budget Spending Reduction Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-763, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-377 and transmitted to both Houses of Congress for its review. D.C. Law 10-234 became effective on March 21, 1995.

*Miscellaneous Notes*

D.C. Law 10-224, § 3 (41 DCR 8055), eff. March 16, 1995, provides for the temporary repeal of this chapter. Section 4(b) of D.C. Law 10-224 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Budget Spending Reduction Amendment Act of 1994, whichever occurs first."

D.C. Law 10-253, title XII, § 1202 (42 DCR 721), eff. March 23, 1995, provides for the temporary repeal of this chapter. Title XIII, § 1301(b) of D.C. Law 10-253 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first."

## **§ 38-1606. APPROPRIATION.[REPEALED]**

(Mar. 3, 1979, D.C. Law 2-143, § 7, 25 DCR 6114; Mar. 21, 1995, D.C. Law 10-234, § 3, 42 DCR 28.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 31-1906.

1973 Ed., § 31-2106.

*Temporary Addition of Section*

Sections 802 to 810 of D.C. Law 14-164 provides:

"Sec. 802. Definitions.

"For the purposes of this title, the term:

"(1) 'District' means the District of Columbia.

"(2) 'Needy Families' means any family that qualifies for federal assistance as defined by the guidelines in the Federal Application for Student Financial Aid.

"(3) 'Tax check-off' means the postsecondary education assistance tax check-off system established in D.C.

Official Code § 47-1812.11c.

"(4) 'Trust Fund' means the Postsecondary Education Assistance Trust Fund established in section 803.

"Sec. 803. Establishment of the Postsecondary Education Assistance Trust Fund.

"(a) There is established a Postsecondary Education Assistance Trust Fund into which shall be deposited the funds generated by the tax check-off established by D.C. Code § 47-1812.11c and any other funds generated by the Trust Fund's Board of Directors.

"(b) The Trust Fund shall be used to assist needy residents of the District of Columbia in pursuing postsecondary education opportunities.

"Sec. 804. Establishment of Board of Directors.

"(a) A self-perpetuating Board of Directors is established to manage the affairs of the Trust Fund. The Board of Directors shall consist of 11 members. The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve as ex-officio members of the Board of Directors. The remaining 8 members shall include parents of individuals who qualify to receive trust funds and representatives of organizations who have demonstrated a knowledge of postsecondary education and who reflect a diversity of gender and ethnicity.

"(b) The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve terms as members of the Board of Directors for the same duration as the terms of their respective offices.

"(c) The 8 initial nongovernmental members shall serve the following terms: 2 members shall serve 3 years; 3 members shall serve 2 years; and 3 members shall serve one year.

"(d) The 8 initial nongovernmental members shall be appointed by the Mayor.

"(e) If one of the 8 initial nongovernmental members is unable to serve or is removed, the remaining members shall select a replacement member according to the representational requirements of subsection (a) of this section.

"(f) The Board of Directors shall appoint nongovernmental replacement members so that subsequent Board of Directors meet the representational requirements of subsection (a) of this section and the bylaws adopted by the Board of Directors. A succeeding member shall serve the balance of the term of the member that he or she succeeds if the term has not expired. A succeeding member who succeeds a member whose term has expired shall serve a term of 3 years. No member shall serve more than 2 consecutive terms, whether partial or full.

"(g) Members shall be compensated only for out-of-pocket expenses incurred in the performance of their responsibilities as members of the Board of Directors.

"(h) The Board of Directors shall elect a chairperson from among its members. The Board of Directors may elect other officers and form committees as it considers appropriate.

"(i) A member may be removed by a 2/3 vote of the remaining members.

"Sec. 805. Powers and responsibilities of the Board of Directors.

"The Board of Directors shall:

"(1) Administer the Trust Fund;

"(2) File such papers as may be required by the Recorder of Deeds of the District of Columbia;

"(3) Have the power to adopt, amend, or repeal bylaws for operation of the Trust Fund;

"(4) Meet not less than quarterly, at a time to be determined;

"(5) Assess the needs of postsecondary educational programs in the District;

"(6) Develop and implement program recommendations to assist residents with the cost of postsecondary education;

"(7) Develop and implement proposal solicitations and establish criteria for the awarding of grants to assist the postsecondary educational needs of District residents;

"(8) Review, approve, and monitor the expenditures of the Trust Fund and postsecondary education programs;

"(9) Provide information to the public about the purpose and work of the Trust Fund;

"(10) Hire and monitor an executive director for the Trust Fund; and

"(11) Invite comments and recommendations at least annually from interested postsecondary educational coalitions and community organizations on the Trust Fund's program plans.

"Sec. 806. Administration of Trust Fund.

"(a) Administrative expenses shall not exceed 10% of the funds available in the Trust Fund.

"(b) One year after its original formation, the Board of Directors shall develop a District-wide plan for the distribution of funds from the Trust Fund. The Board of Directors shall develop subsequent plans before September 30th of each year. The purpose of the annual plan is to assure that the funds are awarded to needy District residents.

"(c) The Board of Directors shall distribute funds that are generated by the tax check-off system established in D.C. Official Code § 47-1812.11c on a regular schedule, as determined by the Board.

"(d) The Board of Directors shall publish guidelines pursuant to which students who are residents of the District of Columbia may apply for funds to pursue secondary educational opportunities.

"(e) By September 30th of each year, the Board of Directors shall publish an estimated projection of funds generated by the tax check-off based on the income tax returns filed by April 15th of each year.

"(f) The Board of Directors shall submit an annual financial report to the Mayor and the Council no later than March 1st of each year.

"(g) The Board of Directors shall publicize the availability of a tax check-off for students who need postsecondary education assistance. The Mayor shall assist the Board of Directors in educating the public regarding the tax check-off and taxpayer participation in the tax check-off.

"(h) The Board of Directors shall take any necessary steps to encourage the federal government to match the funds generated through the tax check-off.

"(i) The Board of Directors may recommend other means to generate funds to assist needy families with postsecondary education opportunities.

"(j) The Board of Directors shall encourage collaborative efforts and foster a public-private partnership in the development of postsecondary education programs.

"(k) The Board of Directors shall advise the Mayor and the Council on the actions needed to insure effective funding for postsecondary education for needy families.

"Sec. 807. Rules of procedure; contributions.

"(a) The Board of Directors may develop rules of organization and procedure pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.).

"(b) The Board of Directors shall encourage and is authorized to accept in-kind contributions from public or private agencies.

"(c) The Board of Directors shall publish a list of grant awards in an annual report. The Board of Directors shall request the assistance of the media in publicizing to the general public the grant awards.

"Sec. 808. Rules.

"(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this title.

"(b) The rules shall include standards for:

"(1) The transfer of funds to the Trust Fund; and

"(2) The reimbursement of costs incurred by the Mayor in the collection, processing, accounting, or disbursement of the funds generated by the tax check-off.

"Sec. 809. Applicability.

"The provisions of this title shall apply to any tax year beginning after December 31, 2001.

"Sec. 810. Dissolution.

"Except as otherwise provided in a contract or legacy transferring or loaning property to the Trust Fund, upon dissolution of the Trust Fund, all remaining assets shall be transferred to the Mayor. The Mayor shall make every effort to use the assets to provide postsecondary education assistance to needy families."

Section 1101(b) of D.C. Law 14-164 provides that the act shall expire after 225 days of its having taken effect.

Sections 801 to 810 of D.C. Law 15-2 read as follows:

"Sec. 801. Short title.

"This title may be cited as the 'Postsecondary Education Assistance Trust Fund Tax Check-Off Temporary Act of 2003'.

"Sec. 802. Definitions.

"For the purposes of this title, the term:

"(1) 'District' means the District of Columbia.

"(2) 'Needy Families' means any family that qualifies for federal assistance as defined by the guidelines in the

Federal Application for Student Financial Aid.

"(3) 'Tax check-off' means the postsecondary education assistance tax check-off system established in D.C. Official Code § 47-1812.11c.

"(4) 'Trust Fund' means the Postsecondary Education Assistance Trust Fund established in section 803.

"Sec. 803. Establishment of the Postsecondary Education Assistance Trust Fund.

"(a) There is established a Postsecondary Education Assistance Trust Fund into which shall be deposited the funds generated by the tax check-off established by D.C. Code § 47-1812.11c and any other funds generated by the Trust Fund's Board of Directors.

"(b) The Trust Fund shall be used to assist needy residents of the District of Columbia in pursuing postsecondary education opportunities.

"Sec. 804. Establishment of Board of Directors.

"(a) A self-perpetuating Board of Directors is established to manage the affairs of the Trust Fund. The Board of Directors shall consist of 11 members. The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve as ex-officio members of the Board of Directors. The remaining 8 members shall include parents of individuals who qualify to receive trust funds and representatives of organizations who have demonstrated a knowledge of postsecondary education and who reflect a diversity of gender and ethnicity.

"(b) The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve terms as members of the Board of Directors for the same duration as the terms of their respective offices.

"(c) The 8 initial nongovernmental members shall serve the following terms: 2 members shall serve 3 years; 3 members shall serve 2 years; and 3 members shall serve one year.

"(d) The 8 initial nongovernmental members shall be appointed by the Mayor.

"(e) If one of the 8 initial nongovernmental members is unable to serve or is removed, the remaining members shall select a replacement member according to the representational requirements of subsection (a) of this section.

"(f) The Board of Directors shall appoint nongovernmental replacement members so that subsequent Board of Directors meet the representational requirements of subsection (a) of this section and the bylaws adopted by the Board of Directors. A succeeding member shall serve the balance of the term of the member that he or she succeeds if the term has not expired. A succeeding member who succeeds a member whose term has expired shall serve a term of 3 years. No member shall serve more than 2 consecutive terms, whether partial or full.

"(g) Members shall be compensated only for out-of-pocket expenses incurred in the performance of their responsibilities as members of the Board of Directors.

"(h) The Board of Directors shall elect a chairperson from among its members. The Board of Directors may elect other officers and form committees as it considers appropriate.

"(i) A member may be removed by a 2/3 vote of the remaining members.

"Sec. 805. Powers and responsibilities of the Board of Directors.

"The Board of Directors shall:

"(1) Administer the Trust Fund;

"(2) File such papers as may be required by the Recorder of Deeds of the District of Columbia;

"(3) Have the power to adopt, amend, or repeal bylaws for operation of the Trust Fund;

"(4) Meet not less than quarterly, at a time to be determined;

"(5) Assess the needs of postsecondary educational programs in the District;

"(6) Develop and implement program recommendations to assist residents with the cost of postsecondary education;

"(7) Develop and implement proposal solicitations and establish criteria for the awarding of grants to assist the postsecondary educational needs of District residents;

"(8) Review, approve, and monitor the expenditures of the Trust Fund and postsecondary education programs;

"(9) Provide information to the public about the purpose and work of the Trust Fund;

"(10) Hire and monitor an executive director for the Trust Fund; and

"(11) Invite comments and recommendations at least annually from interested postsecondary educational coalitions and community organizations on the Trust Fund's program plans.

"Sec. 806. Administration of Trust Fund.



"(a) Administrative expenses shall not exceed 10% of the funds available in the Trust Fund.

"(b) One year after its original formation, the Board of Directors shall develop a District-wide plan for the distribution of funds from the Trust Fund. The Board of Directors shall develop subsequent plans before September 30th of each year. The purpose of the annual plan is to assure that the funds are awarded to needy District residents.

"(c) The Board of Directors shall distribute funds that are generated by the tax check-off system established in D.C. Official Code § 47-1812.11c on a regular schedule, as determined by the Board.

"(d) The Board of Directors shall publish guidelines pursuant to which students who are residents of the District of Columbia may apply for funds to pursue secondary educational opportunities.

"(e) By September 30th of each year, the Board of Directors shall publish an estimated projection of funds generated by the tax check-off based on the income tax returns filed by April 15th of each year.

"(f) The Board of Directors shall submit an annual financial report to the Mayor and the Council no later than March 1st of each year.

"(g) The Board of Directors shall publicize the availability of a tax check-off for students who need postsecondary education assistance. The Mayor shall assist the Board of Directors in educating the public regarding the tax check-off and taxpayer participation in the tax check-off.

"(h) The Board of Directors shall take any necessary steps to encourage the federal government to match the funds generated through the tax check-off.

"(i) The Board of Directors may recommend other means to generate funds to assist needy families with postsecondary education opportunities.

"(j) The Board of Directors shall encourage collaborative efforts and foster a public-private partnership in the development of postsecondary education programs.

"(k) The Board of Directors shall advise the Mayor and the Council on the actions needed to insure effective funding for postsecondary education for needy families.

"Sec. 807. Rules of procedure; contributions.

"(a) The Board of Directors may develop rules of organization and procedure pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

"(b) The Board of Directors shall encourage and is authorized to accept in-kind contributions from public or private agencies.

"(c) The Board of Directors shall publish a list of grant awards in an annual report. The Board of Directors shall request the assistance of the media in publicizing to the general public the grant awards.

"Sec. 808. Rules.

"(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

"(b) The rules shall include standards for:

"(1) The transfer of funds to the Trust Fund; and

"(2) The reimbursement of costs incurred by the Mayor in the collection, processing, accounting, or disbursement of the funds generated by the tax check-off.

"Sec. 809. Applicability.

"The provisions of this title shall apply to any tax year beginning after December 31, 2001.

"Sec. 810. Dissolution.

"Except as otherwise provided in a contract or legacy transferring or loaning property to the Trust Fund, upon dissolution of the Trust Fund, all remaining assets shall be transferred to the Mayor. The Mayor shall make every effort to use the assets to provide postsecondary education assistance to needy families."

Section 1101(b) of D.C. Law 15-2 provides that the act shall expire after 225 days of its having taken effect.

Sections 801 to 810 of D.C. Law 15-117 read as follows:

"Sec. 801. Short title.

"This title may be cited as the 'Postsecondary Education Assistance Trust Fund Tax Check-Off Temporary Act of 2004'.

"Sec. 802. Definitions.

"For the purposes of this title, the term:

"(1) 'District' means the District of Columbia.

"(2) 'Needy Families' means any family that qualifies for federal assistance as defined by the guidelines in the Federal Application for Student Financial Aid.

"(3) 'Tax check-off' means the postsecondary education assistance tax check-off system established in D.C. Official Code § 47-1812.11c.

"(4) 'Trust Fund' means the Postsecondary Education Assistance Trust Fund established in section 803.

"Sec. 803. Establishment of the Postsecondary Education Assistance Trust Fund.

"(a) There is established a Postsecondary Education Assistance Trust Fund into which shall be deposited the funds generated by the tax check-off established by D.C. Code § 47-1812.11c and any other funds generated by the Trust Fund's Board of Directors.

"(b) The Trust Fund shall be used to assist needy residents of the District of Columbia in pursuing postsecondary education opportunities.

"Sec. 804. Establishment of Board of Directors.

"(a) A self-perpetuating Board of Directors is established to manage the affairs of the Trust Fund. The Board of Directors shall consist of 11 members. The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve as ex-officio members of the Board of Directors. The remaining 8 members shall include parents of individuals who qualify to receive trust funds and representatives of organizations who have demonstrated a knowledge of postsecondary education and who reflect a diversity of gender and ethnicity.

"(b) The D.C. Treasurer, the Director of the Department of Human Services, and the Director of the Office of Postsecondary Education, Research and Assistance shall serve terms as members of the Board of Directors for the same duration as the terms of their respective offices.

"(c) The 8 initial nongovernmental members shall serve the following terms: 2 members shall serve 3 years; 3 members shall serve 2 years; and 3 members shall serve one year.

"(d) The 8 initial nongovernmental members shall be appointed by the Mayor.

"(e) If one of the 8 initial nongovernmental members is unable to serve or is removed, the remaining members shall select a replacement member according to the representational requirements of subsection (a) of this section.

"(f) The Board of Directors shall appoint nongovernmental replacement members so that subsequent Board of Directors meet the representational requirements of subsection (a) of this section and the bylaws adopted by the Board of Directors. A succeeding member shall serve the balance of the term of the member that he or she succeeds if the term has not expired. A succeeding member who succeeds a member whose term has expired shall serve a term of 3 years. No member shall serve more than 2 consecutive terms, whether partial or full.

"(g) Members shall be compensated only for out-of-pocket expenses incurred in the performance of their responsibilities as members of the Board of Directors.

"(h) The Board of Directors shall elect a chairperson from among its members. The Board of Directors may elect other officers and form committees as it considers appropriate.

"(i) A member may be removed by a 2/3 vote of the remaining members.

"Sec. 805. Powers and responsibilities of the Board of Directors.

"The Board of Directors shall:

"(1) Administer the Trust Fund;

"(2) File such papers as may be required by the Recorder of Deeds of the District of Columbia;

"(3) Have the power to adopt, amend, or repeal bylaws for operation of the Trust Fund;

"(4) Meet not less than quarterly, at a time to be determined;

"(5) Assess the needs of postsecondary educational programs in the District;

"(6) Develop and implement program recommendations to assist residents with the cost of postsecondary education;

"(7) Develop and implement proposal solicitations and establish criteria for the awarding of grants to assist the postsecondary educational needs of District residents;

"(8) Review, approve, and monitor the expenditures of the Trust Fund and postsecondary education programs;

"(9) Provide information to the public about the purpose and work of the Trust Fund;

"(10) Hire and monitor an executive director for the Trust Fund; and

"(11) Invite comments and recommendations at least annually from interested postsecondary educational coalitions and community organizations on the Trust Fund's program plans.

"Sec. 806. Administration of Trust Fund.

"(a) Administrative expenses shall not exceed 10% of the funds available in the Trust Fund.

"(b) One year after its original formation, the Board of Directors shall develop a District-wide plan for the distribution of funds from the Trust Fund. The Board of Directors shall develop subsequent plans before September 30th of each year. The purpose of the annual plan is to assure that the funds are awarded to needy District residents.

"(c) The Board of Directors shall distribute funds that are generated by the tax check-off system established in D.C. Official Code § 47-1812.11c on a regular schedule, as determined by the Board.

"(d) The Board of Directors shall publish guidelines pursuant to which students who are residents of the District of Columbia may apply for funds to pursue secondary educational opportunities.

"(e) By September 30th of each year, the Board of Directors shall publish an estimated projection of funds generated by the tax check-off based on the income tax returns filed by April 15th of each year.

"(f) The Board of Directors shall submit an annual financial report to the Mayor and the Council no later than March 1st of each year.

"(g) The Board of Directors shall publicize the availability of a tax check-off for students who need postsecondary education assistance. The Mayor shall assist the Board of Directors in educating the public regarding the tax check-off and taxpayer participation in the tax check-off.

"(h) The Board of Directors shall take any necessary steps to encourage the federal government to match the funds generated through the tax check-off.

"(i) The Board of Directors may recommend other means to generate funds to assist needy families with postsecondary education opportunities.

"(j) The Board of Directors shall encourage collaborative efforts and foster a public-private partnership in the development of postsecondary education programs.

"(k) The Board of Directors shall advise the Mayor and the Council on the actions needed to insure effective funding for postsecondary education for needy families.

"Sec. 807. Rules of procedure; contributions.

"(a) The Board of Directors may develop rules of organization and procedure pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

"(b) The Board of Directors shall encourage and is authorized to accept in-kind contributions from public or private agencies.

"(c) The Board of Directors shall publish a list of grant awards in an annual report. The Board of Directors shall request the assistance of the media in publicizing to the general public the grant awards.

"Sec. 808. Rules.

"(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

"(b) The rules shall include standards for:

"(1) The transfer of funds to the Trust Fund; and

"(2) The reimbursement of costs incurred by the Mayor in the collection, processing, accounting, or disbursement of the funds generated by the tax check-off.

"Sec. 809. Applicability.

"The provisions of this title shall apply to any tax year beginning after December 31, 2001.

"Sec. 810. Dissolution.

"Except as otherwise provided in a contract or legacy transferring or loaning property to the Trust Fund, upon dissolution of the Trust Fund, all remaining assets shall be transferred to the Mayor. The Mayor shall make every effort to use the assets to provide postsecondary education assistance to needy families."

Section 1101(b) of D.C. Law 15-117 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) addition of Postsecondary Education Assistance Trust Fund provisions, see §§ 801 to 810 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2003 (D.C. Act 15-3, January 22, 2003, 50 DCR 1426).

For temporary (90 day) addition of Postsecondary Education Assistance Trust Fund tax check-off provisions, see §§ 801 to 810 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-71, April 16, 2003, 50 DCR 3593).

For temporary (90 day) addition of Postsecondary Education Assistance Trust Fund Tax Check-Off provisions, see §§ 801 to 810 of Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003 (D.C. Act 15-279, December 18, 2003, 51 DCR 60).

For temporary (90 day) addition of Postsecondary Education Tax Check-Off for Needy Individuals provisions, see §§ 801 to 810 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-407, March 18, 2004, 51 DCR 3659).

*Legislative History of Laws*

Law 10-224, the "Budget Spending Reduction Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-818. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-361 and transmitted to both Houses of Congress for its review. D.C. Law 10-224 became effective on March 16, 1995.

Law 10-234, the "Budget Spending Reduction Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-763, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 27, 1994, it was assigned Act No. 10-377 and transmitted to both Houses of Congress for its review. D.C. Law 10-234 became effective on March 21, 1995.

For Law 14-164, see notes following § 38-621.

Law 15-2, the "Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-28, and was retained by Council. The Bill was adopted on first and second readings on January 7, 2003, and February 4, 2003, respectively. Signed by the Mayor on February 24, 2003, it was assigned Act No. 15-20 and transmitted to both Houses of Congress for its review. D.C. Law 15-2 became effective on May 3, 2003.

For Law 15-117, see notes following § 38-621.

*Miscellaneous Notes*

D.C. Law 10-224, § 3 (41 DCR 8055), eff. March 16, 1995, provides for the temporary repeal of this chapter. Section 4(b) of D.C. Law 10-224 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Budget Spending Reduction Amendment Act of 1994, whichever occurs first."

D.C. Law 10-253, title XII, § 1202 (42 DCR 721), eff. March 23, 1995, provides for the temporary repeal of this chapter. Title XIII, § 1301(b) of D.C. Law 10-253 provides for expiration "on the 225th day of its having taken effect or upon the effective date of the Multiyear Budget Spending Reduction and Support Act of 1995, whichever occurs first."