

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 17.
PUBLIC CHARTER SCHOOLS.[REPEALED]

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 17. PUBLIC CHARTER SCHOOLS.[REPEALED]

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CHAPTER 17. PUBLIC CHARTER SCHOOLS.[REPEALED]

SUBCHAPTER I. DEFINITIONS; FINDINGS; PURPOSES.

§ 38-1701.01. DEFINITIONS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 101, 43 DCR 1699; Mar. 14, 2007, D.C. Law 16-268, § 3(a), 54 DCR 833; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2801.

Legislative History of Laws

Law 11-135, the "Public Charter Schools Act of 1996," was introduced in Council and assigned Bill No. 11-318, which was referred to the Committee on Education and Libraries. The Bill was adopted on first and second readings on February 6, 1996, and March 5, 1996, respectively. Signed by the Mayor on March 26, 1996, it was assigned Act No. 11-243 and transmitted to both Houses of Congress for its review. D. C. Law 11-135 became effective on May 29, 1996.

Law 16-268, the "Public Charter School Assets and Facilities Preservation Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-624, which was referred to Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on December 6, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-624 and transmitted to both Houses of Congress for its review. D.C. Law 16-268 became effective on March 14, 2007.

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

§ 38-1701.02. FINDINGS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 102, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2802.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1701.03. PURPOSES.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 103, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2803.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

SUBCHAPTER II. ESTABLISHMENT OF CHARTERS.

§ 38-1702.01. CHARTERING AUTHORITY.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 201, 43 DCR 1699; Apr. 24, 2007, D.C. Law 16-305, § 54(a), 53 DCR 6198; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2811.

Temporary Amendments of Section

Section 2 of D.C. Laws 13-143 added subsec. (e).

Subsection 5(b) of D.C. Laws 13-143 provides

"This act shall expire after 225 days of its having taken effect or upon the effective date of the Moratorium on Conversion of Existing District of Columbia Public Schools into Charter Schools Amendment Act of 2000, or upon the date that final action is taken on Bill 13-582, the "District of Columbia School Reform Amendment Act of 1999" and Bill 13-583, the "District of Columbia Public Charter School Conversion Petition Process Amendment Act of 2000", or on amendments in the nature of a substitute to these two bills, whichever occurs first."

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

For Law 16-305, see notes following § 38-911.

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

Miscellaneous Notes

Section 153 of Public Law 106-113 provides:

"Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293) is amended--

"(1) by inserting 'and public charter' after 'public'; and

"(2) by adding at the end the following: 'Of such amounts and proceeds, \$5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of three individuals appointed by the Mayor of the District of Columbia and two individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.'"

Section 161 of Public Law 106-522 provides:

"Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended--

"(1) by amending the second sentence of paragraph (2)(B) to read as follows: " Of such amounts and proceeds, \$5,000,000 shall be set aside for a credit enhancement fund for public charter schools in the District of Columbia, to be administered and disbursed in accordance with paragraph (3)."; and

"(2) by adding at the end the following new paragraph:

"(3) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.--

"(A) DISTRIBUTION OF AMOUNTS.--Of the amounts in the credit enhancement fund established under paragraph (2)(B)--

"(i) 50 percent shall be used to make grants under subparagraph (B); and

"(ii) 50 percent shall be used to make grants under subparagraph (C).

"(B) GRANTS TO ELIGIBLE NONPROFIT CORPORATIONS.--

"(i) IN GENERAL.--Using the amounts described in subparagraph (A)(i), not later than 1 year after the date of the enactment of the District of Columbia Appropriations Act, 2001, the Mayor of the District of Columbia shall make and disburse grants to eligible nonprofit corporations to carry out the purposes described in subparagraph (E).

"(ii) ADMINISTRATION.--The Mayor shall administer the program of grants under this subparagraph, except that if the committee described in subparagraph (C)(iii) is in operation and is fully functional prior to the date the Mayor makes the grants, the Mayor may delegate the administration of the program to the committee.

"(C) OTHER GRANTS.--

"(i) IN GENERAL.--Using the amounts described in subparagraph (A)(ii), the Mayor of the District of Columbia shall make grants to entities to carry out the purposes described in subparagraph (E).

"(ii) PARTICIPATION OF SCHOOLS.--A public charter school in the District of Columbia may receive a grant under this subparagraph to carry out the purposes described in subparagraph (E) in the same manner as other entities receiving grants to carry out such activities.

"(iii) ADMINISTRATION THROUGH COMMITTEE.--The Mayor shall carry out this subparagraph through the *2484 committee appointed by the Mayor under the second sentence of paragraph (2)(B) (as in effect prior to the enactment of the District of Columbia Appropriations Act, 2001). The committee may enter into an agreement with a third party to carry out its responsibilities under this subparagraph.

"(iv) CAP ON ADMINISTRATIVE COSTS.--Not more than 10 percent of the funds available for grants under this subparagraph may be used to cover the administrative costs of making grants under this subparagraph.

"(D) SPECIAL RULE REGARDING ELIGIBILITY OF NONPROFIT CORPORATIONS.--In order to be eligible to receive a grant under this paragraph, a nonprofit corporation must provide appropriate certification to the Mayor or to the committee described in subparagraph (C)(iii) (as the case may be) that it is duly authorized by two or more public charter schools in the District of Columbia to act on their behalf in obtaining financing (or in assisting them in obtaining financing) to cover the costs of activities described in subparagraph (E)(i).

"(E) PURPOSES OF GRANTS.--

"(i) IN GENERAL.--The recipient of a grant under this paragraph shall use the funds provided under the grant to carry out activities to assist public charter schools in the District of Columbia in--

"(I) obtaining financing to acquire interests in real property (including by purchase, lease, or donation), including financing to cover planning, development, and other incidental costs;

"(II) obtaining financing for construction of facilities or the renovation, repair, or alteration of existing property or facilities including the purchase or replacement of fixtures and equipment), including financing to cover planning, development, and other incidental costs; and

"(III) enhancing the availability of loans (including mortgages) and bonds.

"(ii) NO DIRECT FUNDING FOR SCHOOLS.--Funds provided under a grant under this subparagraph may not be used by a recipient to make direct loans or grants to public charter schools."

Delegation of Duty to Administer District of Columbia Public Charter School Credit Enhancement Fund, see Mayor's Order 2001-41, March 23, 2001 (48 DCR 3441).

Par. 35 of Pub. L. 107-96 provides in part:

"section 161 of the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2483, 2484), is amended, as if included in the Act--

"(1) by striking 'not later than 1 year after the date of the enactment of the District of Columbia Appropriations Act, 2001,';

"(2) by inserting 'revolving' after 'enhancement' in the second sentence of paragraph (2)(B), in the heading of paragraph (3), and in paragraph (3)(A); and

"(3) by striking '10 percent' and inserting '5 percent':

"Provided further, That the cap on administrative costs as amended by section 161 of the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2484), is amended by striking '10 percent' and inserting '5 percent'."

§ 38-1702.02. CHARTER PETITION.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 202, 43 DCR 1699; Oct. 19, 2000, D.C. Law 13-172, § 2502(a), 47 DCR 6308; Mar. 14, 2007, D.C. Law 16-268, § 3(b), 54 DCR 833; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2812.

Temporary Amendments of Section

Section 2 of D.C. Laws 13-143 added subsec. (e) to provide:

"(e) Notwithstanding subsections (a) through (d) of this section, there shall be a moratorium on the conversion of any District of Columbia public school into a public charter school."

Section 5(b) of D.C. Laws 13-143 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 § 2 of the Moratorium on Conversion of Existing Public Schools into Charter Schools Emergency Amendment Act of 2000 (D.C. Act 13-311, April 7, 2000, 47 DCR 2735).

For temporary (90-day) amendment of section, see § 2502(a) 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 § 2502(a) 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

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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 16-268, see notes following § 38-1701.01.

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

§ 38-1702.03. APPROVAL OF CHARTER PETITIONS OR RENEWAL APPLICATIONS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 203, 43 DCR 1699; Oct. 19, 2000, D.C. Law 13-172, § 2502(b), 47 DCR 6308; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2813.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2502(b) 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 § 2502(b) 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

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

For Law 13-172, see notes following § 38-1702.02.

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

§ 38-1702.04. FEDERAL AGENCIES.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 204, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2814.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.05. DUTIES AND RESPONSIBILITIES OF CHARTER SCHOOLS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 205, 43 DCR 1699; Oct. 19, 2000, D.C. Law 13-172, § 2802, 47 DCR 6308; Mar. 14, 2007, D.C. Law 16-268, § 3(c), 54 DCR 833; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2815.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2802 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 § 2802 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

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

For Law 13-172, see notes following § 38-1702.02.

For Law 16-268, see notes following § 38-1701.01.

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

§ 38-1702.06. BOARD OF TRUSTEES OF A CHARTER SCHOOL.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 206, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2816.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.07. ADMISSION, ENROLLMENT, AND WITHDRAWAL.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 207, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2817.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.08. EMPLOYEES.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 208, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2818.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.09. MONITORING.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 209, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2819.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.10. REVOCATION OF CHARTER.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 210, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2820.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.10A. MANDATORY DISSOLUTION.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 210a, as added Mar. 14, 2007, D.C. Law 16-268, § 3(d), 54 DCR 833; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 16-268, the "Public Charter School Assets and Facilities Preservation Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-624, which was referred to Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on December 6, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-624 and transmitted to both Houses of Congress for its review. D.C. Law 16-268 became effective on March 14, 2007.

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

§ 38-1702.11. REDUCED FARES FOR PUBLIC TRANSPORTATION.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 211, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2821.

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.12. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 212, 43 DCR 1699; Apr. 24, 2007, D.C. Law 16-305, § 54(b), 53 DCR 6198; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2822.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

For Law 16-305, see notes following § 38-911.

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

§ 38-1702.13. APPLICATION OF LAWS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 213, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2823.

Legislative History of Laws

For legislative history of D.C. Law 1-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.14. ANNUAL BUDGETS FOR PUBLIC SCHOOLS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 214, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2824.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.15. DEVELOPMENT OF ZERO-BASED BUDGET REQUEST AND SCHOOL-BY-SCHOOL GROSS OPERATING BUDGETS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 215, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2825.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.16. CALCULATION OF NUMBER OF STUDENTS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 216, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2826.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.17. FISCAL YEAR 1996 PAYMENTS TO CHARTER SCHOOLS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 217, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2827.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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

§ 38-1702.18. PAYMENTS TO CHARTER SCHOOLS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 218, 43 DCR 1699; Oct. 20, 1999, D.C. Law 13-38, § 1909, 46 DCR 6373; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2828.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 1909 of the Service Improvement and Fiscal Year 2000 Budget Support Emergency Act of 1999 (D.C. Act 13-110, July 28, 1999, 46 DCR 6320).

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

Law 13-38, the "Service Improvement and Fiscal Year 2000 Budget Support Act of 1999," was introduced in Council and assigned Bill No. 13-161, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 11, 1999, and June 22, 1999, respectively. Signed by the Mayor on July 8, 1999, it was assigned Act No. 13-111 and transmitted to both Houses of Congress for its review. D.C. Law 13-38 became effective on October 20, 1999.

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

§ 38-1702.19. FEDERAL GRANT FUNDS.[REPEALED]

(May 29, 1996, D.C. Law 11-135, § 219, 43 DCR 1699; June 12, 2007, D.C. Law 17-9, § 803, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 31-2829.

Legislative History of Laws

For legislative history of D.C. Law 11-135, see Historical and Statutory Notes following § 38-1701.01.

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