

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 1A.
DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

2001 Edition

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SCHOOLS.

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CHAPTER 1A. DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

§ 38-171. DISTRICT OF COLUMBIA PUBLIC SCHOOLS AGENCY; ESTABLISHMENT.

Pursuant to § 1-204.04(b), the Council establishes the District of Columbia Public Schools ("DCPS") as a separate cabinet-level agency, subordinate to the Mayor, within the executive branch of the District of Columbia government.

(June 12, 2007, D.C. Law 17-9, § 102, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition of section, see § 4003 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 4082 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 4003 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary (90 day) addition of section, see § 4082 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative History of Laws

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

Miscellaneous Notes

Applicability: Section 107 of Law 17-9 provides that this title shall apply upon Congressional enactment of Title IX. Congress enacted the provisions of Title IX in Pub. L. 110-33, approved June 1, 2007.

Final Action on Closings and Consolidations of District of Columbia Public Schools, see Mayor's Order 2011-42, February 11, 2011 (58 DCR 1497).

§ 38-172. MAYOR'S AUTHORITY; RULEMAKING.

(a) The Mayor shall govern the public schools in the District of Columbia. The Mayor shall have authority over all curricula, operations, functions, budget, personnel, labor negotiations and collective bargaining agreements, facilities, and other education-related matters, but shall endeavor to keep teachers in place after the start of the school year and transfer teachers, if necessary, during summer break.

(b) The Mayor may delegate any of his authority to a designee as he or she determines is warranted for efficient and sound administration and to further the purpose of DCPS to educate all students enrolled within its schools or learning centers consistent with District-wide standards of academic achievement.

(c)(1) In accordance with Chapter 5 of Title 2, the Mayor shall promulgate rules and regulations governing DCPS, including rules governing the process by which the Mayor and DCPS will seek and utilize public comment in the development of policy.

(2) Proposed rules shall be submitted to the Council for a 45-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

(June 12, 2007, D.C. Law 17-9, § 103, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes following § 38-171.

Delegation of Authority

Delegation of the Mayor's Authority under the Public Education Reform Amendment Act of 2007 to chair Special Community Meeting Relating to Reorganization and Rightsizing Plan for the District of Columbia Public Schools, see Mayor's Order 2008-35, February 27, 2008 (55 DCR 5298).

Delegation of Authority--Director of the Department of Employment Services, see Mayor's Order 2009-115, June 19, 2009 (56 DCR 6864).

Delegation of Official to Chancellor of the District of Columbia Public Schools (DCPS) to execute a Ground Lease for the Scott Montgomery School, see Mayor's Order 2011-130, August 8, 2011 (58 DCR 7325).

Miscellaneous Notes

Transfer of Property--District of Columbia Public Schools, see Mayor's Order 2008-104, July 29, 2008 (55 DCR 9386).

Transfer of the Hine Junior High School located at 302 8th Street, SE, Washington, D.C. from District of Columbia Public Schools to the Office of the Deputy Mayor for Planning and Economic, see Mayor's Order 2010-62, April 23, 2010 (57 DCR 3510).

Transfer of Webb Elementary School located at 1375 Mount Olivet Road, NE, Washington, D.C. from District of Columbia Public Schools to the Department of Real Estate Services, see Mayor's Order 2010-182, December 31, 2010 (57 DCR 12643).

§ 38-173. BUDGET REQUIREMENTS OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) The Mayor shall submit the budget for DCPS pursuant to § 1-204.42, along with a plan detailing the allocation of funds to each DCPS public school by program and activity level and comptroller source group.

(b) The Council may, following its review of the plan submitted pursuant to subsection (a) of this section, modify the funding and other resource levels, including full-time equivalent allocations, allocated by the plan to individual schools by a 2/3 majority vote of the Council.

(c) For fiscal year 2009, the Council may reallocate funds on a program level, but shall not make adjustments to activity costs within a program level; provided, that this restriction shall not apply to Special Education State, or any other local or state special education category the Mayor may designate.

(d) Beginning with fiscal year 2010, for each program level, the Mayor shall submit:

- (1) Actual expenditures for the prior school year;
- (2) Estimated expenditures for the current school year; and
- (3) Projected expenditures for the following school year.

(June 12, 2007, D.C. Law 17-9, § 104, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes following § 38-171.

§ 38-174. CHANCELLOR; APPOINTMENT; DUTIES.

(a) The DCPS shall be administered by a Chancellor, who shall be appointed pursuant to § 1-523.01(a), and in accordance with subsection (b) of this section. The Chancellor shall:

- (1) Be the chief executive officer of DCPS;
- (2) Be qualified by experience and training for the position; and
- (3) Serve at the pleasure of the Mayor.

(b)(1) Prior to the selection of a nominee for Chancellor, the Mayor shall:

- (A) Establish a review panel of teachers, including representatives of the Washington Teachers

- Union, parents, and students ("panel") to aid the Mayor in his or her selection of Chancellor;
- (B) Provide the resumes and other pertinent information pertaining to the individuals under consideration, if any, to the panel; and
- (C) Convene a meeting of the panel to hear the opinions and recommendations of the panel.
- (2) The Mayor shall consider the opinions and recommendations of the panel in making his or her nomination and shall give great weight to any recommendation of the Washington Teachers Union.
- (c) The duties of the Chancellor shall include to:
- (1) Organize the agency for efficient operation;
 - (2) Create offices within the agency, as necessary;
 - (3) Exercise the powers necessary and appropriate to operate the schools and school system and to implement applicable provisions of District and federal law;
 - (4) Communicate with the collective bargaining unit for the employees under his or her administration;
 - (5) Promulgate and implement rules and regulations necessary and appropriate to accomplish his or her duties and functions in accordance with § 38-172 and Chapter 5 of Title 2;
 - (6) Obtain parental input as required by the No Child Left Behind Act of 2001, approved January 8, 2002 (Pub. L. No. 107-110; 115 Stat. 1425), and in accordance with the rules promulgated pursuant to this chapter;
 - (7) Hold public meetings, at least quarterly;
 - (8) Exercise, to the extent that such authority is delegated by the Mayor,:
 - (A) Personnel authority; and
 - (B) Procurement authority independent of the Office of Contracting and Procurement, consistent with Unit A of Chapter 3 of Title 2;
 - (9) Maintain clean and safe school facilities; and
 - (10) Create and operate a District-wide database that records the condition of all school facilities under the control of DCPS, which database shall be updated as necessary, but at least once per calendar year.

(June 12, 2007, D.C. Law 17-9, § 105, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes following § 38-171.

Delegation of Authority

Delegation of Authority--Chancellor, District of Columbia Public Schools, see Mayor's Order 2007-158, July 5, 2007 (54 DCR 9617).

Revised Delegation of Authority to Chancellor, District of Columbia Public Schools, see Mayor's Order 2007-11622, August 10, 2007 (54 DCR 11622).

§ 38-175. TRANSFERS; CONTINUATION.

- (a) All functions, authority, programs, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Board of Education, as the local education agency, established pursuant to § 1-204.95 for the purpose of providing educational services to residents of the District of Columbia are transferred to the Mayor.
- (b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Board of Education and the District of Columbia Public Schools transferred to the Mayor under subsection (a) of this section shall continue in effect according to their terms until lawfully amended, repealed, or modified.

(June 12, 2007, D.C. Law 17-9, § 106, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes following § 38-171.