

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 1B.
DEPARTMENT OF EDUCATION.

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CHAPTER 1B. DEPARTMENT OF EDUCATION.

§ 38-191. DEPARTMENT OF EDUCATION; ESTABLISHMENT; AUTHORITY.

(a) Pursuant to § 1-204.04(b), the Council establishes a Department of Education, subordinate to the Mayor. The department shall be headed by a Deputy Mayor for Education, who shall be appointed pursuant to § 1-523.01(a).

(b) The Department of Education shall:

(1) Have oversight of the:

(A) State Superintendent of Education Office;

(B) Office of Public Education Facilities Modernization; and

(C) Repealed.

(D) Development of a comprehensive, District-wide data system that integrates and tracks data across education, justice, and human service agencies.

(2) Be responsible for the planning, coordination, and supervision of all public education and education-related activities under its jurisdiction, including development and support of programs to improve the delivery of educational services and opportunities, from early childhood to the post-secondary education level, including the District of Columbia Public Schools, public charter schools, and the University of the District of Columbia; provided, that nothing in this chapter shall be interpreted to grant to the Mayor any authority over the University of the District of Columbia that is currently vested in the Board of Trustees of the University of the District of Columbia;

(3) Promote, coordinate, and oversee collaborative efforts among District government agencies to support education and child development as it relates to education, including coordinating the integration of programs and resources;

(4) Coordinate programs, policies, and objectives of the Mayor with the Board of Trustees of the University of the District of Columbia;

(5) Promote, coordinate, and oversee the enhancement and quality of workforce preparation programs within the State Superintendent of Education Office;

(6) Promote, coordinate, and oversee the enhancement and quality of adult literacy and adult education programs within the State Superintendent of Education Office;

(7) Submit to the Mayor, Chancellor, State Board of Education, and the Council the reports required by § 38-353(14) and (15); and

(8) Coordinate the development of the Master Facilities Plan.

(c) By December 31, 2009, the Deputy Mayor for Education shall submit to the Council for approval, by resolution, and to the State Board of Education for review, a plan describing the framework that it shall use to develop a statewide, strategic education and youth development plan ("EYD plan").

(d) By September 30, 2010, the Deputy Mayor for Education shall submit to the Council for approval, by resolution, and to the State Board of Education for review, the EYD plan, which shall include:

(1) A clearly articulated vision statement for children and youth from zero to 24 years of age;

(2) Stated goals and operational priorities;

(3) An assessment of needs, including a showing that the comprehensive strategy to address the stated needs is based on research and data;

(4) A timeline and benchmarks for planning and implementation;

(5) An operational framework that provides for shared accountability, broad-based civic community involvement, and coordination:

- (A) With District, school, and other community efforts;
 - (B) With key stakeholders throughout the community, including those in top public and civic leadership;
 - (C) Of the education sector with housing, health, and welfare;
 - (D) With economic development policies and plans; and
 - (E) Of multiple funding streams to ensure sustainability of the EYD plan;
- (6) An explication of the location and planning, including intended use and design, for the District's educational facilities and campuses; and
- (7) Recommendations for policy and legislative changes, if needed, to increase the effectiveness of the EYD plan.
- (e) The Mayor shall review and update the EYD plan every 3 years and submit the plan to the Council for approval, by resolution, and to the State Board of Education for review.
- (June 12, 2007, D.C. Law 17-9, § 202, 54 DCR 4102; Mar. 3, 2010, D.C. Law 18-111, § 4051(a), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 4123, 57 DCR 6242.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 18-111, in subsec. (b)(1)(B), inserted "and" at the end; repealed subsec. (b)(1)(C); in subsec. (b)(2), substituted "education level, including the District of Columbia Public Schools, public charter schools, and the University of the District of Columbia; provided," for "education level; provided,"; and added subsecs. (c), (d), and (e). Prior to repeal, subsec. (b)(1)(C) read as follows:

"(C) Office of Ombudsman for Public Education; and".

D.C. Law 18-223, in subsec. (b), deleted "and" from the end of par. (6); substituted "; and" for a period at the end of par. (7), and added par. (8).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 4051(a) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 4051(a) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 4123 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

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

Law 18-111, the "Fiscal Year 2010 Budget Support Act of 2009", was introduced in Council and assigned Bill No. 18-203, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on May 12, 2009, and September 22, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-255 and transmitted to both Houses of Congress for its review. D.C. Law 18-111 became effective on March 3, 2010.

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

Miscellaneous Notes

Short title: Section 4050 of D.C. Law 18-111 provided that subtitle F of title IV of the act may be cited as the "Department of Education Establishment Amendment Act of 2009".

§ 38-192. SPECIAL EDUCATION; REPORTING REQUIREMENT.

Within 60 days of June 12, 2007, the Department of Education shall report to the Mayor and the Council on the status of:

- (1) The Special Education Task Force, and the development of the Special Education Reform Plan, established pursuant to § 38-2551; and
- (2) The implementation of the recommendations adopted by the Board of Education pursuant to the resolution Adopting the Recommendations of the Ad Hoc Committee on Special Education White

Paper and Other Recommendations to Improve the Delivery of Special Education Services within the District of Columbia Public Schools, effective March 13, 2006 (Board of Education resolution SR06-22).

(June 12, 2007, D.C. Law 17-9, § 203, 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes following § 38-191.

§ 38-192.01. ADULT LITERACY REPORTING.

(a) The Office of the Deputy Mayor for Education shall report to the Mayor and the Council, on an annual basis on or before the start of the third quarter of fiscal years 2012 through 2016, on the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District. The report shall:

(b) To prepare for the adult literacy report, the Office of the Deputy Mayor for Education, shall seek information and support for the development of quality standards and performance measures from community-based providers of adult education and family literacy services, adult learners, funders, District and federal agencies, representatives from the business community, and adult education experts.

- (1) Cover the current and the preceding fiscal year;
- (2) Identify the office's metrics used for measuring the need and demand for adult literacy support, state the office's quality standards, and measure the performance of District-funded providers of adult literacy services;
- (3) Provide an accounting of the total number of adults needing literacy support in the District and by ward;
- (4) Provide an accounting of the total number of District-funded providers of adult literacy support services that provide services to District residents, broken down by ward;
- (5) Provide an accounting of the total number of openings available for literacy support services from District-funded service providers during the fiscal year reported, broken down by ward and by service provider;
- (6) Provide a gap analysis that measures the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District and by ward; and
- (7) Propose an adult literacy plan for the next fiscal year to ensure that District-funded programs are meeting the needs of adult learners District-wide and by ward.

(June 12, 2007, D.C. Law 17-9, § 203a, as added Sept. 26, 2012, D.C. Law 19-171, § 92, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171 made a technical change to the enacting clause of D.C. Law 19-21, § 4052, to provide for the addition of Sec. 203a to D.C. Law 17-9.

Legislative History of Laws

Law 19-171, the "Technical Amendments Act of 2012", was introduced in Council and assigned Bill No. 19-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 20, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to both Houses of Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Miscellaneous Notes

Applicability: Section 305 of Law 17-9 provides that this title shall apply upon Congressional enactment of Title IX and inclusion of its effect in an approved budget and financial plan. Congress enacted the provisions of Title IX in Pub. L. 110-33, approved June 1, 2007.

Section 4052 of D.C. Law 19-21 provides:

"Sec. 4052. Adult literacy reporting.

"(a) The Office of the Deputy Mayor for Education shall report to the Mayor and the Council, on an annual basis on or before the start of the third quarter of fiscal years 2012 through 2016, on the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District. The report shall:

"(1) Cover the current and the preceding fiscal year;

"(2) Identify the office's metrics used for measuring the need and demand for adult literacy support, state the office's quality standards, and measure the performance of District-funded providers of adult literacy services;

"(3) Provide an accounting of the total number of adults needing literacy support in the District and by ward;

"(4) Provide an accounting of the total number of District-funded providers of adult literacy support services that provide services to District residents, broken down by ward;

"(5) Provide an accounting of the total number of openings available for literacy support services from District-funded service providers during the fiscal year reported, broken down by ward and by service provider;

"(6) Provide a gap analysis that measures the capacity of District-funded service providers to meet the need and demand for adult literacy services in the District and by ward; and

"(7) Propose an adult literacy plan for the next fiscal year to ensure that District-funded programs are meeting the needs of adult learners District-wide and by ward.

"(b) To prepare for the adult literacy report, the Office of the Deputy Mayor for Education, shall seek information and support for the development of quality standards and performance measures from community-based providers of adult education and family literacy services, adult learners, funders, District and federal agencies, representatives from the business community, and adult education experts."

Short title: Section 4051 of D.C. Law 19-21 provided that subtitle F of title IV of the act may be cited as "Adult Literacy Reporting Act of 2011".

§ 38-193. EVALUATION AND RE-AUTHORIZATION.

(a)(1) By October 1 of each year, beginning in 2009, and every year thereafter, an evaluator shall be retained to conduct an independent evaluation of District of Columbia Public Schools ("DCPS") and of any affiliated education reform efforts. The evaluation shall be conducted according to the standard procedures of the evaluator, with full cooperation of the Council, Mayor, Chancellor, State Superintendent of Education, and other government personnel.

(2) The annual evaluation shall include an assessment of:

(A) Business practices;

(B) Human resources operations and human capital strategies;

(C) All academic plans; and

(D) The annual progress made as measured against the benchmarks submitted the previous year, including a detailed description of student achievement.

(3) The initial evaluation shall incorporate benchmarks and analysis of the best available data to assess annual achievement.

(b) On September 30, 2014, the independent evaluator shall submit to the Council, the State Board of Education, and the Mayor a 5-year assessment of the public education system established by this act, which shall include:

(1) A comprehensive evaluation of public education following the passage of this act; and

(2) A determination as to whether sufficient progress in public education has been achieved to warrant continuation of the provisions and requirements of this act or whether a new law, and a new system of education, should be enacted by the District government.

(c)(1) The evaluations, and assessment, required by this section shall be conducted by the National Research Council of the National Academy of Sciences ("NRC") for the 5-year period described in this section.

(2) By December 31, 2009, prior to conducting the initial evaluation, NRC shall submit to the Council and the Mayor a compilation of data and an analysis plan, which shows:

(A) A description of the procedures and method to be used to conduct the evaluation;

(B) The opportunities for public involvement;

(C) The estimated release dates of interim and final evaluation reports; and

(D) A revised budget and funding plan for the evaluation.

(d) The Office of the Chief Financial Officer shall transfer by October 5, 2009, an amount of \$325,000 in local funds through an intra-District transfer from DCPS to the Office of the District of Columbia Auditor to contract with NRC to conduct the initial evaluation required by this section.

(June 12, 2007, D.C. Law 17-9, § 204, 54 DCR 4102; Mar. 3, 2010, D.C. Law 18-111, § 4051(b), 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 93, 59 DCR 6190.)

Effect of Amendments

D.C. Law 18-111 rewrote the section, which had read as follows:

"(a)(1) Except as provided in subsection (b) of this section, the Mayor shall submit to the Council by September 15 of each year, beginning in 2008, projected benchmarks by which to measure annual achievements within District of Columbia Public Schools.

"(2)(A) The Mayor shall submit to the Council by September 30 of each year, beginning in 2008, an annual evaluation of District of Columbia Public Schools that includes an assessment of:

"(i) Business practices;

"(ii) Human resources operations;

"(iii) All academic plans; and

"(iv) The annual achievements made as measured against the benchmarks submitted the previous year in accordance with paragraph (1) of this subsection, including a detailed description of student achievements.

"(B) For the 2008 evaluation, for which benchmarks would not have been submitted in the prior year, the annual achievements shall be measured using existing, reliable data and that data shall be included, or an abstract thereof, in the evaluation.

"(b) On September 15, 2012, in lieu of the annual evaluation required by subsection (a) of this section, the Mayor shall submit to the Council a 5-year assessment of the public education system established by this act, which shall include:

"(1) A comprehensive evaluation of public education following the passage of this act; and

"(2) A determination as to whether sufficient progress in public education has been achieved to warrant continuation of the provisions and requirements of this act or whether a new law, and a new system of education, should be enacted by the District government.

"(c)(1) The evaluations required by this section shall be conducted by an independent evaluator that shall be recommended by the Mayor and submitted to the Council for approval by September 15, 2007, for a 30-day review period.

"(2) If the Council does not approve or disapprove the recommendation, by resolution, within the 30-day review period, the recommendation shall be deemed disapproved.

"(3) The evaluations required by this section may be conducted by the same independent evaluator for 5 consecutive years.

"(4) For the purposes of this subsection, the term 'independent evaluator' means an individual or entity that has neither a current contractual or employment relationship with the District government."

D.C. Law 19-171 made a technical amendment to the enacting clause of D.C. Law 18-111, § 4051(b)(2), that did not change the text of the section.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 4051(b) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 4051(b) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

Legislative History of Laws

For Law 17-9, see notes following § 38-191.

For Law 18-111, see notes following § 38-191.

For history of Law 19-171, see notes under § 38-192.01.

References in Text

"This act", referred to in subsec. (b) of this section, is D.C. Law 17-9.