

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 38.
EDUCATIONAL INSTITUTIONS.

CHAPTER 26.
OFFICE OF THE STATE SUPERINTENDENT OF
EDUCATION.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 26. OFFICE OF THE STATE

SUPERINTENDENT OF EDUCATION.

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CHAPTER 26. OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

§ 38-2601. ESTABLISHMENT OF THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

- (a) There is established, under the Office of the Mayor, an Office of the State Superintendent of Education ("OSSE").
- (b) The OSSE shall be headed by a State Superintendent of Education ("State Superintendent"), who shall be appointed by the Mayor with the advice and consent of the Council in accordance with § 1-523.01(a). The Officer shall serve a 4-year term.
- (c) The State Superintendent shall serve as the chief state school officer for the District of Columbia and shall represent the OSSE and the District of Columbia in all matters before the United States Department of Education and with other states and educational organizations.
- (d) All operational authority for state-level functions, except that delegated to the State Board of Education in § 38-2652, shall vest in the Office of the State Superintendent of Education under the supervision of the State Superintendent of Education.

(Oct. 21, 2000, D.C. Law 13-176, § 2, 47 DCR 6835; June 12, 2007, D.C. Law 17-9, § 302(a), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-9 rewrote the section, which had read as follows:

- "(a) There is established, under the Office of the Mayor, a State Education Office ('SEO').
- "(b) The SEO shall be headed by a State Education Officer ('Officer'), who shall be appointed by the Mayor with the advice and consent of the Council in accordance with § 1-523.01(a). The Officer shall serve a 4-year term."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2602 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) transfer to the State Education Office of all positions, personnel, property, records and unexpended balances of funds made available to the Office of Postsecondary Education, Research and Assistance and Tuition Assistance Program, see § 402 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

For temporary (90 day) transfer to the State Education Office of appropriations, allocations, and other funds made available to the State Education Agency--Adult Education through the University of the District of Columbia, see § 602 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

For temporary (90 day) additions, see §§ 4111, 4171 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) additions, see §§ 4111, 4171 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

Law 13-176, the "State Education Office Establishment Act of 2000," was introduced in Council and assigned Bill No. 13-416, which was referred to the Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on June 6, 2000, and July 11, 2000, respectively. Signed by the Mayor on July 26, 2000, it was assigned Act No. 13-187 and transmitted to both Houses of Congress for its review. D.C. Law 13-176 became effective on October 21, 2000.

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

Miscellaneous Notes

Sections 402 and 602 of D.C. Law 14-28 provide:

"Sec. 402. (a) All positions, personnel, property, records and unexpended balances of appropriations, allocations and other funds available or to be made available to the Office of Postsecondary Education, Research and Assistance and Tuition Assistance Program are hereby transferred to the State Education Office, established by section 2(a) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; 47 DCR 6835), effective July 2000.

"(b) All of the functions assigned and authority delegated to the Office of Postsecondary Education, Research and Assistance and Tuition Assistance Program are hereby transferred to the State Education Office, established by D.C. Law 13-176, effective July 2000."

"Sec. 602. All appropriations, allocations, and other funds available or to be made available to the State Education Agency-Adult Education through the University of the District of Columbia shall be transferred to the State Education Agency and used at its discretion for providing educational services for individuals and families in the District."

Short title: Section 4110 of D.C. Law 18-111 provided that subtitle L of title IV of the act may be cited as the "Accuracy in Public Education Projections Act of 2009".

Section 4111 of D.C. Law 18-111 provides:

"The Office of the State Superintendent, with the participation of the Council, District of Columbia Public Schools, and the Public Charter School Board shall convene a working group that shall develop a uniform method by which enrollment projections will be completed for both public schools and the public charter schools based on empirical and objective data. The methodology shall be developed by a third party that shall be independent of the government of the District of Columbia. The enrollment projections shall include demographic analysis and necessary programmatic factors upon which future budgets shall be based, beginning with the fiscal year 2011 budget."

Short title: Section 4170 of D.C. Law 18-111 provided that subtitle R of title IV of the act may be cited as the "Child Care Services Act of 2009".

Section 4171 of D.C. Law 18-111 provides:

"(a) The Office of the State Superintendent of Education ("OSSE") shall continue to provide through the Department of Parks and Recreation direct child care programs, including daycare and early and after school care services at all recreation-based sites, including all sites in the Request for Offers (OPM-RFO-OUT-2009-2) issued by the Office of Property Management, unless a contract for a licensed provider to provide those same services has been executed by the District and, if required by section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), approved by the Council.

"(b) The OSSE shall provide to the Council a comprehensive analysis and plan for child care programs for special needs and developmentally disabled children in fiscal year 2010 by November 15, 2009."

Office of the State Superintendent of Education Fleet Management and Vehicle Operators Accountability Policies, see Mayor's Order 2011-46, February 23, 2011 (58 DCR 1663).

§ 38-2601.01. DUTIES.

The Office of the State Superintendent of Education shall serve as the state education agency and perform the functions of a state education agency for the District of Columbia under applicable federal law, including grant-making, oversight, and state educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education.

(Oct. 21, 2000, D.C. Law 13-176, § 2a, as added June 12, 2007, D.C. Law 17-9, § 302(b), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes following § 38-131.

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.

§ 38-2602. RESPONSIBILITIES.

(a) Within one year of the Officer's appointment, but not later than October 2001, and except as provided in § 38-2604, the OSSE shall assume the responsibilities listed in subsection (b) of this section. The transfer and assumption of responsibilities shall take place in accordance with the short-term plan to be submitted by the Officer to the Mayor for approval by February 15, 2001, or 5 weeks from the establishment of the OSSE, whichever is later.

(b) The OSSE shall:

- (1) Have authority for all state functions for federally sponsored child nutrition programs in the District, including those sponsored by the United States Department of Agriculture;
- (2) Verify annual fall enrollment counts for all public and public charter schools pursuant to § 38-1804.02, and § 38-159;
- (3) Formulate and promulgate rules for the documentation and verification of District residency for public and public charter school students, pursuant to §§ 38-302 and 38-303;
- (4) Make recommendations to the Mayor and Council for periodic revisions to the Uniform Per Student Funding Formula pursuant to § 38-2911, and provide information and data related to such revisions including the study of actual costs of education in the District of Columbia, consideration of performance incentives created by the formula in practice, research in education and education finance, and public comment;
- (5) Conduct a study to be submitted to the Mayor and Council recommending additional functions to be assumed by the OSSE and a proposed transition plan meeting the specifications of § 38-2605;
- (6) Oversee the functions and activities of the Education Licensure Commission, established by § 38-1303;
- (6A) Establish and administer licensure requirements for pre-kindergarten programs, pursuant to § 38-271.02(a)(3);
- (7) Issue rules to establish requirements to govern acceptable credit to be granted for studies completed at independent, private, public, public charter schools, and private instruction;
- (8) Prescribe minimum amounts of instructional time for all schools, including public, public charter, and private schools;
- (8A) Prescribe standards for extended learning time beyond the regular school day for public schools, including public charter schools;
- (9) Oversee the state-level functions and activities related to early childhood education programs, including the public education of the Early Intervention Services Program, in accordance with § 7-863.02;
- (9A) Administer pre-kindergarten education, in accordance with § 38-271.02;
- (9B) Conduct a residency audit, annually, to establish the number of in-District and out-of-District children enrolled in pre-kindergarten pursuant to Chapter 2A of this title;
- (10) Provide for the education of children in the custody of the Department of Youth Rehabilitation Services;
- (11) Formulate and promulgate rules necessary to carry out its functions, including rules governing the process for review and approval of state-level policies by the State Board of Education under § 38-2652, pursuant to Chapter 5 of Title 2;
- (12) Develop and adopt policies that come within the functions of state educational agencies under federal law, subject to the approval of the State Board of Education for those policies that are subject to board approval under § 38-2652;
- (13) Conduct studies and pilot projects to develop, review, or test state policy;
- (14) Repealed.
- (15) Fulfill any other responsibilities consistent with the performance of the state-level education functions of the District of Columbia;
- (16) Promulgate rules for the administration and implementation of the uniform per student funding formula, pursuant to Chapter 29 of this title;
- (17) Have the authority to collect and dedicate fees for state academic credential certifications and general educational development testing as well as for any other state-level education function, as established by the Superintendent by regulation;
- (18) Have the authority to issue grants, from funds under its administration (including the non-public tuition paper agency), to local education agencies ("LEAs") for programs that increase the capacity of the LEA to provide special education services; and
- (19) By October 1, 2013, create a truancy prevention resource guide for parents and legal guardians

who have children who attend a District public school, which shall be updated and made available upon request and, at minimum, include:

- (A) An explanation of the District's laws and regulations related to absenteeism and truancy;
- (B) Information on:
 - (i) What a parent or legal guardian can do to prevent truancy;
 - (ii) The common causes of truancy; and
 - (iii) Common consequences of truancy;
- (C) A comprehensive list of resources that are available to a parent or legal guardian, and the student, that address the common causes of truancy and the prevention of it, such as:
 - (i) Hotlines that provide assistance to parents, legal guardians, and youth;
 - (ii) Counseling for the parent (or legal guardian) or the youth, or both;
 - (iii) Parenting classes;
 - (iv) Parent-support groups;
 - (v) Family psycho-education programs;
 - (vi) Parent-resource libraries;
 - (vii) Risk prevention education;
 - (viii) Neighborhood family support organizations and collaboratives that provide assistance to families experiencing hardship;
 - (ix) Behavioral health resources and programs in schools;
 - (x) The Behavioral Health Ombudsman Program; and
 - (xi) The resources at each public school for at-risk students and their parents or legal guardians.

(c)(1) There is established as a nonlapsing fund the Academic Certification and Testing Fund ("Fund"). All fees collected by the Office of the State Superintendent of Education for state academic credential certifications, general educational development testing, or any other state-level education function established pursuant to subsection (b)(17) of this section shall be deposited into the Fund.

(2) All funds deposited into the Fund, and any interest earned on those funds, shall be used for the purposes set forth in paragraph (3) of this subsection. Any unexpended funds in the Academic Certification and Testing Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

(3) The Fund shall be administered by the State Superintendent of Education and shall be used to support the administration of state academic credential certifications, General Educational Development, and other state-level programs.

(Oct. 21, 2000, D.C. Law 13-176, § 3, 47 DCR 6835; Nov. 13, 2003, D.C. Law 15-39, § 302, 50 DCR 5668; Oct. 20, 2005, D.C. Law 16-33, § 4003(a), 52 DCR 7503; June 12, 2007, D.C. Law 17-9, § 302(c), 54 DCR 4102; Sept. 18, 2007, D.C. Law 17-20, § 4012(a), 54 DCR 7052; July 18, 2008, D.C. Law 17-202, § 607, 55 DCR 6297; Aug. 16, 2008, D.C. Law 17-219, § 4008, 55 DCR 7598; Mar. 25, 2009, D.C. Law 17-353, § 215(d), 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 4031, 57 DCR 181; Apr. 8, 2011, D.C. Law 18-370, § 404, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 9057, 58 DCR 6226; June 7, 2012, D.C. Law 19-141, § 303, 59 DCR 3083.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-39, in subsec. (b), made nonsubstantive changes in pars. (4) and (5), and added par. (6)

D.C. Law 16-33, in subsec. (b)(6), substituted "Education" for "Educational".

D.C. Law 17-9, in subsec. (b), inserted pars. (7) to (15).

D.C. Law 17-20, in subsec. (b), deleted "and" from the end of par. (14), substituted "; and" for a period at the end of par. (15), and added par. (16).

D.C. Law 17-202, in subsecs. (a) and (b), substituted "OSSE" for "SEO"; and added subsecs. (b)(6A), (9A), and (9B).

D.C. Law 17-219, in subsec. (b), deleted "and" from the end of par. (15), substituted a semicolon for a period at the end of par. (16), and added par. (17); and added subsec. (c).

D.C. Law 17-353 validated previously made technical corrections in subsecs. (b)(14), (15), (16).

D.C. Law 18-111 repealed subsec. (b)(14), which had read as follows:

"(14) Provide staff support to the State Board of Education to enable it to perform its functions as enumerated in § 38-2652;".

D.C. Law 18-370 added subsecs. (b)(8A) and (18); in subsec. (b)(16), deleted "and" from the end; and, in subsec. (b)(17), substituted "; and" for a period at the end.

D.C. Law 19-21, in subsec. (c)(2), substituted "be used for the purposes set forth in paragraph (3) of this subsection. Any unexpended funds in the Academic Certification and Testing Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia." for "not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (3) of this subsection without regard to fiscal year limitation, subject to authorization by Congress."

D.C. Law 19-141, in subsec. (b), deleted "and" from the end of par. (17), substituted "; and" for a period the end of par. (18), and added par. (19).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 302 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 302 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) amendment of section, see § 4003(a) of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 4012(a) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) amendment of section, see § 4031 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 § 4031 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 § 404 of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

Legislative History of Laws

For Law 13-176, see notes following § 38-2601.

For Law 15-39, see notes following § 38-160.

For Law 16-33, see notes following § 38-1306.

For Law 17-9, see notes under § 38-131.

For Law 17-20, see notes following § 38-451.

For Law 17-202, see notes following § 38-202.

For Law 17-219, see notes following § 38-251.

For Law 17-353, see notes following § 38-102.

For history of Law 18-370, see notes under § 38-821.02.

For history of Law 19-21, see notes under § 38-271.01.

For history of Law 19-141, see notes under § 38-203.

Miscellaneous Notes

Short title of subtitle A of title III of Law 15-39: Section 301 of D.C. Law 15-39 provided that subtitle A of title III of the act may be cited as the Transfer of the Educational Licensure Commission Amendment Act of 2003.

Short title: Section 4011 of D.C. Law 17-20 provided that subtitle B of title IV of the act may be cited as the "Office of the State Superintendent of Education Special Education Supplemental Funding and Educational Data Warehouse Amendment Act of 2007".

Short title: Section 4007 of D.C. Law 17-219 provided that subtitle D of title IV of the act may be cited as the "State Education Office Establishment Amendment Act of 2008".

Short title: Section 4030 of D.C. Law 18-111 provided that subtitle D of title IV of the act may be cited as the "State Board of Education Clarification Amendment Act of 2009".

Section 405 of D.C. Law 18-370 provides:

"Sec. 405. Applicability.

"This subtitle shall apply as of October 1, 2010. "

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

§ 38-2602.01. TRANSFER OF STATE-LEVEL FUNCTIONS FROM THE BOARD OF EDUCATION.

(a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the District of Columbia Board of Education that support state-level functions related to state education agency responsibilities and all powers, duties, and functions delegated to the District of Columbia Board of Education concerning the establishment, development, and institution of state-level functions related to state education agency responsibilities identified in § 38-2602 are transferred to the Office of the State Superintendent of Education.

(b) The transfer described in subsection (a) of this section shall be in accordance with § 38-2606.

(Oct. 21, 2000, D.C. Law 13-176, § 3a, as added June 12, 2007, D.C. Law 17-9, § 302(d), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes under § 38-131.

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.

§ 38-2603. REQUIREMENTS FOR SHORT-TERM SEO PLAN.

The short-term SEO plan shall:

- (1) Be formulated in consultation with the Board of Education, the Superintendent of Schools, the Public Charter School Board, District agencies with responsibilities for functions specified in § 38-2602, the District of Columbia Financial Responsibility and Management Assistance Authority ("DCFRMAA") and any relevant federal agencies;
- (2) Be adopted by the Officer only after at least one public hearing on the proposed short-term plan;
- (3) Identify the authority and responsibility of each party at each stage in the transition process;
- (4) Specify dates and benchmarks for transfer of authority, responsibility, budget, and employees;
- (5) Specify the estimated cost to the SEO of carrying out each function specified in § 38-2602, and the recommended source of revenues; and
- (6) Identify any factors with potential for disrupting services to students and recommend steps to prevent any possible disruption.

(Oct. 21, 2000, D.C. Law 13-176, § 4, 47 DCR 6835.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-176, see notes following § 38-2601.

§ 38-2604. SHORT-TERM SEO PLAN.

(a) Subject to the SEO's determination that adequate funds and staffing are available to ensure a successful transfer, and that the assumption of authority conforms with all pertinent requirements of federal law, the short-term plan shall include the following timelines:

- (1) With regard to federally sponsored summer feeding programs, the plan shall provide for SEO assumption of functions sufficiently in advance to make the SEO fully responsible for the summer 2001 program.
- (2) With regard to fall enrollment verification, the plan shall provide for SEO assumption of full authority no later than July 1, 2001, or on such date as the DCFRMAA shall relinquish to the SEO its authority pursuant to § 38-1804.02.
- (3) With regard to documentation and verification of student residency in the District, the plan shall provide for SEO assumption of full authority no later than April 1, 2001.

(4) With regard to recommendations for revisions in the Uniform Per Student Funding Formula, the plan shall provide for submission by the SEO to the Mayor and Council no later than September 30, 2001.

(b) If at the time of proposed transfer under the short-term plan the SEO is for any reason unable to assume full responsibility for all functions to be transferred, such functions shall continue to be performed by the agency or body currently carrying them out.

(Oct. 21, 2000, D.C. Law 13-176, § 5, 47 DCR 6835.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-176, see notes following § 38-2601.

§ 38-2605. STUDY, RECOMMENDATIONS, AND TRANSITION PLAN ON THE ADDITIONAL RESPONSIBILITIES FOR THE SEO.

(a)(1) Not later than July 1, 2001, the SEO shall submit recommendations to the Mayor and the Council, based on a study of the additional responsibilities that should be assumed by the SEO, and a transitional plan for each responsibility.

(2) The study, recommendations, and transition plan shall be developed, in consultation with the Board of Education, the Superintendent of Public Schools, the Public Charter School Board, and any other District agencies which currently has the responsibility for functions listed in subsection (b) of this section.

(b) In formulating recommendations, the Officer shall consider the advantages of giving the SEO responsibility for the:

(1) State-level responsibilities associated with the acquisition and administration of federal grants on behalf of funding or services for all eligible District schools including public, public charter and private schools, and District of Columbia public institutions for post secondary education, including preparation of state plans, applications for competitive grants, setting of state-wide standards and assessment, allocation of federal funds among eligible schools, monitoring of compliance with federal requirements, and submission of reports;

(2) Issuance of rules to establish requirements to govern acceptable credit to be granted for studies completed at independent, private, public and public charter schools and private instruction, pursuant to § 38-202;

(3) Issuance of rules regarding enforcement of school attendance requirements for all schools, including public, public charter and private schools, pursuant to § 38-203;

(4) Conduct of the census of all minors 3 years of age or older who are residents of the District, pursuant to § 38-204;

(5) Establishment of criteria for individuals to obtain high school equivalency credentials, administration of appropriate exams and issuance of such credentials;

(6) Issuance of work permits for minors who reside in the District, pursuant to § 32-208;

(7) Establishment of annual standardized reporting requirements for statistical information from public and public charter schools;

(8) Fact-finding, research and investigative activities on behalf of the Mayor, Council and other public officials;

(9) Establishment of teacher certification requirements for all eligible District schools including public, public charter, private schools, and District of Columbia public institutions for post secondary education; and

(10) Establishment of licensing procedures and standards for instructional staff for all eligible District schools including public, public charter, private schools, and District of Columbia public institutions for post secondary education.

(c) The study shall consider whether the SEO's assumption of each responsibility would:

(1) Improve the quality of educational and other services to children and adults;

(2) Eliminate or create duplication of functions by various District agencies;

(3) Reduce or enlarge multiple reporting requirements upon school authorities, including the Board of Education, Superintendent of Schools, Public School Charter Board, and individual schools;

(4) Eliminate conflicts of interest; and

(5) Entail additional costs for the District.

(d) The transition plan shall:

- (1) Identify the authority and responsibility of each party at each stage in the transition process;
- (2) Specify dates and benchmarks for transfer of authority, responsibility, budget, and employees;
- (3) Specify the estimated cost to the SEO of carrying out each function studied, and the recommended source of revenues; and
- (4) Identify any factors with potential for disrupting services to students and recommend steps to prevent such disruption.

(Oct. 21, 2000, D.C. Law 13-176, § 6, 47 DCR 6835.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-176, see notes following § 38-2601.

§ 38-2605.01. TRANSITION PLAN FOR TRANSFER OF STATE-LEVEL FUNCTIONS.

(a) Within 90 days of June 12, 2007, the Office of the State Superintendent of Education shall submit to the Mayor for approval a detailed transition plan, in accordance with § 38-2606, for implementation of the transfers set forth in §§ 7-863.03a, 38-2601(d), 38-2602.01, and 38-2608, which shall begin within 30 days of approval; provided, that prior to completion and submission of the plan, the Mayor shall give notice of the contemplated action and an opportunity for a hearing for public comment on the plan, which shall:

- (1) Be formulated in consultation with the Board of Education, the District of Columbia Public Schools, the Public Charter School Board, the Washington Teachers Union, and with any relevant District and federal agencies;
- (2) Identify the authority and responsibility of each entity at each stage in the transition process;
- (3) Specify time lines, dates, and benchmarks for completion of the transfer;
- (4) Provide an estimate of the cost to the OSSE of carrying out each transferred function; and
- (5) Identify any factors with potential for disrupting services to students and recommend steps to prevent any possible disruption.

(b) The Mayor shall forward the approved transition plan to the Council and the State Board of Education for review.

(Oct. 21, 2000, D.C. Law 13-176, § 6a, as added June 12, 2007, D.C. Law 17-9, § 302(e), 54 DCR 4102.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-9, see notes under § 38-131.

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.

§ 38-2606. EXISTING STATE AGENCY RESPONSIBILITIES.

All District agencies, including the District of Columbia Public School system, currently performing state-level functions related to public education shall continue to perform such functions until such date as those functions are transferred away from them pursuant to approved transition plans. The Mayor and Council shall provide such funds as are necessary to enable such agencies to continue to perform such functions.

(Oct. 21, 2000, D.C. Law 13-176, § 7, 47 DCR 6835.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-176, see notes following § 38-2601.

§ 38-2607. EDUCATION LICENSURE COMMISSION SITE EVALUATION FUND.

(a) There is established a lapsing fund to be designated as the Education Licensure Commission Site Evaluation Fund ("Fund"), which shall be a segregated account within the General Fund of the District of Columbia, administered by the Office of the State Superintendent of Education, and used for the purposes set forth in subsection (b) of this section.

(b) The Fund shall be used only to cover costs associated with the Education Licensure Commission's review of institutions for licensing purposes under § 38-1306.

(c) All revenues collected by the Education Licensure Commission for evaluations and observations done pursuant to § 38-1306 shall be deposited into the Fund. All funds deposited into the Fund shall be used for the purposes set forth in subsection (b) of this section. Any unexpended funds in the Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

(Oct. 21, 2000, D.C. Law 13-176, § 7a, as added Oct. 20, 2005, D.C. Law 16-33, § 4003(b), 52 DCR 7503; June 12, 2007, D.C. Law 17-9, § 302(f), 54 DCR 4102; Sept. 14, 2011, D.C. Law 19-21, § 9059, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 98(b), 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-9, in subsec. (a), substituted "Office of the State Superintendent of Education" for "State Education Office".

D.C. Law 19-21, in subsec. (a), substituted "lapsing" for "nonlapsing"; and, in subsec. (c), substituted "be used for the purposes set forth in subsection (b) of this section. Any unexpended funds in the Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia." for "not revert to the fund balance of the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress".

D.C. Law 19-171, in subssecs. (c-1) and (d), validated previously made technical corrections.

Emergency Act Amendments

For temporary (90 day) addition, see § 4003(b) of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

Legislative History of Laws

For Law 16-33, see notes following § 38-1306.

For Law 17-9, see notes under § 38-131.

For history of Law 19-21, see notes under § 38-271.01.

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

§ 38-2608. SUPERVISION OF ADULT EDUCATION PROGRAM.

(a) The OSSE shall be the state agency responsible for supervision of adult education and adult literacy.

(b) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the University of the District of Columbia that support state-level functions related to adult education or adult literacy and all of the powers, duties, and functions delegated to the University of the District of Columbia concerning the establishment, development, and institution of state-level functions related to adult education or adult literacy are transferred to the OSSE.

(c) The transfer described in subsection (b) of this section shall be in accordance with section 7.

(d) The Office of the State Superintendent of Education shall apply for federal funds as provided in the Adult Education Act, approved April 28, 1988 (102 Stat. 302; 20 U.S.C. § 1201 *et seq.*).

(e)(1) Notwithstanding any other provision of law, the OSSE is authorized to establish fee rates for all adult education courses. The amount to be charged to each adult shall be fixed annually by the OSSE, which shall be the amount necessary to cover the expense of instruction, cost of textbooks and school supplies, and other operating costs associated with each course offered; provided, that the amount fixed is in accordance with § 2-505. Following the adoption of the fee rates, the OSSE shall transmit a copy of the fee schedule to the Mayor and the Council.

(2) All amounts received by the OSSE pursuant to this subsection shall be paid to the District of Columbia Treasurer and deposited in the General Fund of the District of Columbia in a segregated account to be available as a revenue source for the OSSE to fund select adult education courses for which fees will be charged.

(3) Waivers, in whole or in part, of fees for select adult education courses may be granted by the OSSE.

(f) OSSE shall provide funding for all costs associated with the 24-hour vocational education programs at Phelps Architecture, Construction and Engineering High School ("Phelps"), Academy for Construction and Design at Cardozo Senior High School ("Cardozo"), and the Hospitality Public Charter School at Roosevelt High School; provided, that a portion of this funding shall be used to employ 2 career technical educators at Cardozo and Phelps.

(Oct. 21, 2000, D.C. Law 13-176, § 7b, as added June 12, 2007, D.C. Law 17-9, § 302(g), 54 DCR 4102; Sept. 14, 2011, D.C. Law 19-21, § 2023, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-21 added subsec. (f).

Legislative History of Laws

For Law 17-9, see notes under § 38-131.

For history of Law 19-21, see notes under § 38-271.01.

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.

§ 38-2609. DEVELOPMENT OF THE EDUCATIONAL DATA WAREHOUSE SYSTEM.

(a) The OSSE, in coordination with the Office of the Chief Technology Officer, shall develop and implement a longitudinal educational data warehouse system ("EDW system") to be used by:

- (1) The OSSE;
- (2) The University of the District of Columbia;
- (3) Public schools;
- (4) Public charter schools;
- (5) Publicly funded educational programs;
- (6) Policymakers;
- (7) Institutions of higher education; and
- (8) Researchers.

(b) The EDW system shall be used to compile, analyze, research, and organize student, teacher, and school-level data to:

- (1) Facilitate compliance with District of Columbia and federal reporting requirements;
- (2) Aid in local and state-level policymaking and programming; and
- (3) Improve information exchanges, while maintaining the confidentiality of individual student and staff data, in accordance with District of Columbia and federal confidentiality laws, rules, and regulations.

(c)(1) The EDW system shall be designed to allow for compatibility with other data systems that currently exist or that are in development in the District of Columbia.

(2)(A) Upon the request of the State Superintendent, necessary data pertaining to students, teachers, and school levels shall be submitted to the OSSE for the purpose of constructing, updating, or maintaining the EDW system by:

- (i) The University of the District of Columbia;
- (ii) A public school;
- (iii) A public charter school; or
- (iv) An entity administering a publicly funded educational program.

(B) The requested data shall be submitted within a reasonable time, as determined by the OSSE, following a request, and in a standardized format to be established by the OSSE.

(d)(1) All providers of public education in the District of Columbia shall participate in the EDW system, including:

- (A) The University of the District of Columbia;

- (B) Public schools;
 - (C) Public charter schools; and
 - (D) Entities operating publicly funded educational programs.
- (2) The OSSE shall ensure that technical assistance and training is provided to the staff participating in the EDW system.
- (e)(1) The OSSE shall ensure that a unique identifier is assigned to every student and teacher in a:
- (A) Public school;
 - (B) Public charter school; or
 - (C) A publicly funded educational program.
- (2) The OSSE shall ensure that a unique identifier is assigned to every student of the University of the District of Columbia.
- (3) A unique identifier shall be assigned to a student the first time that the student receives educational services from a provider of public education in the District of Columbia.

(Oct. 21, 2000, D.C. Law 13-176, § 7c, as added Sept. 18, 2007, D.C. Law 17-20, § 4012(b), 54 DCR 7052.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 4012(b) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

Legislative History of Laws

For Law 17-20, see notes following § 38-451.