

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2010 Summer  
Supp.

West Group  
Publisher

To amend, on a temporary basis, the Pre-k Enhancement and Expansion Amendment Act of 2008 to require that administrative and procedural rules for the pre-k program assistance grant program be submitted to the Council for review and approval, to establish a State Early Childhood Development Coordinating Council to improve coordination and collaboration among entities carrying out federally funded and District-funded pre-k and other early childhood programs, to require the University of the District of Columbia to convene a collaborative of District of Columbia colleges and universities to develop a pre-k workforce development plan to be submitted to the Council by March 15, 2010, to establish a higher education incentive grant program and a scholarship program for the purpose of increasing the number of pre-k teachers and assistants who meet high-quality degree and credential requirements, to transfer the authority to establish a higher education incentive grant program and a scholarship program from the Office of the State Superintendent of Education to the University of the District of Columbia, and to establish the Higher Education Incentive Grant Fund; and to amend the District of Columbia Public Postsecondary Education Reorganization Act to add to the duties of the Trustees of the University of the District of Columbia the duty to serve as the coordinator of the state system for pre-k teacher preparation, professional development, and training and to convene the collaborative, develop the plan, and establish the programs required by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pre-k Acceleration and Clarification Temporary Amendment Act of 2010”.

Sec. 2. The Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-271.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-271.01) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) “Community-based organization” or “CBO” means a Head Start or early childhood education program operated by a nonprofit entity, faith-based organization, or organization that participates in federally funded or District-funded early childhood programs, including the child care subsidy program funded by the federal Child Care and Development Fund.”.

Note,  
§ 38-271.01

(2) Paragraph (3) is amended by striking the word “by” and inserting the phrase “pursuant to” in its place.

(3) A new paragraph (2A) is added to read as follows:

“(2A) “HEIG fund” means the Higher Education Incentive Grant Fund established by section 403.”.

(4) A new paragraph (3A) is added to read as follows:

“(3A) “HEI scholarship program” means the scholarship program established pursuant to sections 401 and 402.”.

(b) Section 102(b) (D.C. Official Code § 38-271.02(b)) is amended as follows:

Note,  
§ 38-271.02

(1) Paragraph (2) is amended to read as follows:

“(2) In regard to pre-k programs in public schools and public charter schools, consult with local education agencies and the Public Charter School Board, established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.14), to ensure that the goals of this act are met.”.

(2) Paragraph (8) is repealed.

(c) A new section 107 is added to read as follows:

“Sec. 107. State Early Child Development Coordinating Council; establishment.

“(a) Within 45 days of the effective date of the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 8-603), the Mayor shall establish and convene a State Early Childhood Development Coordinating Council (“Coordinating Council”) to:

“(1) Improve collaboration and coordination among entities carrying out federally funded and District-funded pre-k and other early childhood programs to improve school readiness;

“(2) Assist in the planning and development of a comprehensive early childhood education system that serves children ages birth to 8 years of age; and

“(3) Comply with the Head Start Act, approved December 12, 2007 (Pub. L. No. 110-134; 121 Stat. 1363).

“(b) The Coordinating Council shall:

“(1) Identify opportunities for collaboration and coordination among early childhood education entities;

“(2) Review the annual pre-k report to the Council required by section 105 and submit to the OSSE additional recommendations to improve the quality of and expand access to pre-k and other early childhood programs to be submitted to the Council along with the annual pre-k report;

“(3) Develop recommendations to:

“(A) Increase participation of children in existing pre-k and other early childhood programs;

“(B) Improve the quality of pre-k and other early childhood programs;

“(C) Support the implementation of pre-k workforce development programs; and

“(D) Improve state early learning policies; and

“(4) Perform other tasks as determined by the Mayor.

“(c) The Coordinating Council membership shall consist of:

“(1) The following members, or their designees, the:

“(A) Mayor;

“(B) Chairman of the Council of the District of Columbia

“(C) State Superintendent of Education;

“(D) Chancellor of the District of Columbia Public Schools;

“(E) Executive Director of the Public Charter School Board;

“(F) Director of the Department of Health;

“(G) Director of the Department of Mental Health;

“(H) Director of the Department of Human Services;

“(I) Director of the Child and Family Services Agency;

“(J) State Director for Head Start Collaboration; and

“(K) Director of the entity designated as the state resource and referral

agency; and

“(2) The following members, who shall be appointed by the Chairman of the Council or the Mayor, with each appointing at least one District resident from each of the following categories, to serve a term of 2 years:

“(A) Families whose children are receiving or have received pre-k-education services;

“(B) Head Start;

“(C) Community-based organizations;

“(D) Public schools;

“(E) Public charter schools;

“(F) Public charter school support organizations;

“(G) Early childhood advocacy organizations;

“(H) Business community;

“(I) Philanthropic community;

“(J) DC Collaborative; and

“(K) Any additional category identified by the Coordinating Council as necessary or appropriate.

“(d)(1) Two people appointed pursuant to subsection (c)(2) of this section shall be appointed co-chairs, one by the Chairman and one by the Mayor. The co-chairs shall convene the Coordinating Council no fewer than 4 times each year for the purpose of gathering public input on the Coordinating Council’s recommendations.

“(2) A quorum to transact business shall consist of 50% plus one of the members who are appointed and serving.”.

(d) Section 201(a) (D.C. Official Code § 38-272.01(a)) is amended to read as follows:

“(a) The OSSE shall develop high-quality content standards and program requirements that pre-k programs that receive funds under this act are required to meet by September 1, 2014.”.

Note,  
§ 38-272.01

(e) Section 203 (D.C. Official Code § 38-272.03) is amended as follows:

**ENROLLED ORIGINAL**

(1) Subsection (a) is amended to read as follows:

“(a) The OSSE shall establish and administer a grant program to assist existing and new pre-k programs in public schools, public charter schools, and CBOs in meeting the required HQ standards. Each grant shall be a 2-year grant.”.

Note,  
§ 38-272.03

(2) A new subsection (c) is added to read as follows:

“(c) 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 administrative and procedural rules for the grant program and HQ standards and submit the rules within 45 days of the effective date of the Pre-K Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 18-603). 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.”.

(f) Section 302(b) (D.C. Official Code § 38-273.02(b)) is amended by striking the phrase “then to children” and inserting the phrase “then, if applicable, to children” in its place.

Note,  
§ 38-273.02

(g) Section 401 (D.C. Official Code § 38-274.01) is amended to read as follows:

“Sec. 401. DC Collaborative; HEI program; HEI scholarship program; career and compensation plan.

Note,  
§ 38-274.01

“(a) The University of the District of Columbia shall establish and convene a collaborative of District of Columbia colleges and universities (“DC Collaborative”) to craft the HEI program and HEI scholarship program, in collaboration with the Office of the State Superintendent of Education, for the purpose of increasing the number of teachers and assistant teachers in public schools, public charter schools, and CBOs who are meeting degree and credential requirements established by the OSSE pursuant to section 201.

“(b)(1) The DC Collaborative shall develop a pre-k workforce development plan, which shall include:

“(A) A clearly articulated vision statement of how the DC Collaborative intends to attract and retain a highly-qualified pre-k workforce;

“(B) Stated goals and strategies based upon a needs assessment of the current pre-k workforce in public schools, public charter schools, and CBOs and a review of higher education institutional capacity;

“(C) The scope and structure of the HEI program and the HEI scholarship program; and

“(D) A timeline and benchmarks for the planning and implementation of the HEI program and the HEI scholarship program.

“(2) The University of the District of Columbia shall submit the pre-k workforce development plan to the Council for review by March 15, 2010.

“(c) As the convener of the DC Collaborative, the University of the District of Columbia shall facilitate the development and implementation of the HEI program, including the distribution of funds to higher education institutions according to their capacity or need, and the HEI scholarship program.

“(d) The University of the District of Columbia shall submit to the OSSE, a proposed career and compensation plan under which a teacher in the CBO sector will be compensated

once the teacher meets the degree and credentials requirements established by the OSSE pursuant to section 201.”.

(h) A new section 401a is added to read as follows:

“Sec. 401a. Transfer of authority, assets, and funds.

“(a) The authority to establish the HEI program and the HEI scholarship program is transferred from the OSSE to the University of the District of Columbia.

“(b) Within 30 days of the effective date of the Pre-k Acceleration and Clarification Emergency Amendment Act of 2010, passed on emergency basis on January 5, 2010 (Enrolled version of Bill 18-603), any real and personal property, positions, assets, and records relating to the HEI program or the HEI scholarship program, or to the planned establishment of the programs, shall become the property of the University of the District of Columbia, and any unexpended balances of appropriations, allocations, or other funds available or to be made available to the OSSE for the HEI program or the HEI scholarship program, or the planned establishment of the programs, shall be transferred to the HEIG fund.”.

(i) Section 402 is amended as follows:

(A) Strike the phrase “to pre-k teachers and assistant teachers”.

Note,  
§ 38-274.02

(B) Strike the acronym “OSSE” both times it appears and insert the phrase “ the University of the District of Columbia” in its place.

(j) A new section 403 is added to read as follows:

“Sec 403. Higher Education Incentive Grant Fund; establishment.

“(a)(1) There is established as nonlapsing fund, the Higher Education Incentive Grant Fund (“HEIG fund”), which shall be a separate program line within the University of the District of Columbia budget. All funds deposited into the HEIG fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a 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 without regard to fiscal year limitation, subject to authorization by Congress.

“(2) The HEIG fund shall be funded through:

“(A) Local funds;

“(B) Federal funds;

“(C) Federal grant funds; and

“(D) Grants, gifts, or subsidies from public or private sources.

“(b) The funds in the HEIG fund shall be used:

“(1) To fund the HEI program and the HEI scholarship program;

“(2) For administrative costs and monitoring of the HEIG fund, not to exceed 10% of the fund balance per fiscal year; and

“(3) To develop the pre-k workforce development plan in accordance with section 401.”.

Sec. 3. Conforming amendment.

Section 206 of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1427; D.C. Official Code § 38-1202.06), is amended

Note,  
§ 38-1202.06

by adding a new paragraph (19) to read as follows:

“(19)(A) Coordinate the state system, in accordance with federal requirements, for pre-k teacher preparation, professional development, and training;

“(B) Establish a collaborative of District of Columbia colleges and universities to craft a higher education incentive grant program and a scholarship program and develop a pre-k workforce development plan, as required by section 401 of the Pre-k Enhancement and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C. Official Code § 38-274.01)(Pre-k act”); and

“(C) Establish the higher education incentive grant program and the scholarship program for the purpose of increasing the number of highly-qualified pre-k teachers and assistant teachers who are eligible to teach in a high-quality pre-k classroom as of September 1, 2014, as set forth in section 401 of the Pre-k act.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia