

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To amend, on a temporary basis, the Office of Administrative Hearings Establishment Act of 2001 to establish that the office shall not have mandatory jurisdiction to hear District of Columbia Public Schools special education cases, which jurisdiction threatens to impair the independence of the office, and to clarify that funding for the adjudication of District of Columbia Public Schools special education cases shall remain in the Fiscal Year 2004 budget of the District of Columbia Public Schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of Administrative Hearings Independence Preservation Temporary Amendment Act of 2004”.

Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 5(c)(2) (D.C. Official Code § 2-1831.02(c)(2)) is repealed.

(b) Section 6 (D.C. Official Code § 2-1831.03) is amended as follows:

(1) Subsection (a)(4) is repealed.

(2) Subsection (c) is amended to read as follows:

“(c) Those agencies that are not included in subsections (a) or (b) of this section may:

“(1) Refer individual cases to the Office, with the approval of the Chief Administrative Law Judge; or

“(2) Elect to be covered by this act, subject to the approval of the Chief Administrative Law Judge and the Mayor, and upon such terms as the Mayor may set.”.

Note,
§ 2-1831.02
Note,
§ 2-1831.03

Sec. 3. Fiscal impact statement.

This legislation will not have a fiscal impact because the District of Columbia Public Schools’ Fiscal Year 2004 budget includes \$1.8 million in funding for special education adjudications, from which the Chief Financial Officer was mandated to transfer a pro rata share to the Office of Administrative Hearings once that office assumed responsibility for special education adjudications. This legislation provides in section 2(b) that special education cases shall not be part of the Office of Administrative Hearings’ mandatory jurisdiction and further provides in section 2(a) that all funding budgeted for special education cases shall remain in the District of Columbia Public Schools’ Fiscal Year 2004 budget and shall not be transferred to the Office of Administrative Hearings.

Sec. 4. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia