

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

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To amend, on a temporary basis, the School Modernization Financing Act of 2006 to provide that the Facilities Master Plan shall be submitted by May 31, 2008, to require that a work program of 2008 activities and capital projects to be undertaken by the Office of Public Education Facilities Modernization and a proposed organizational structure be submitted to the Council within 60 days of the effective date of the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007, and to provide that no further funds shall be transferred to the Office of Public Education Facilities Modernization if the submissions are not submitted as required; to amend the Schools Modernization Amendment Act of 2005 to strike obsolete references and insert current references; and to amend the Public Education Reform Amendment Act of 2007 to provide that the Director of the Office of Public Education Facilities Modernization shall have maintenance authority at District of Columbia Public Schools facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “School Modernization Use of Funds Requirements Temporary Amendment Act of 2007”.

Sec. 2. Section 103(b), (c), and (d) of the School Modernization Financing Act of 2006, effective June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.03(b), (c), and (d)), is amended to read as follows:

**Note,  
§ 38-2971.03**

“(b) Funding authority provided to the Office of Public Education Facilities Modernization (“OFM”) pursuant to this title shall be spent to fund the OFM and to modernize District of Columbia Public Schools in accordance with the Capital Improvement Plan and Budget and the Facilities Master Plan. The Facilities Master Plan shall be submitted to the Council for its approval no later than May 31, 2008.

“(c) Notwithstanding any other law, a work program detailing the activities and capital projects to be undertaken by OFM for fiscal year 2008 and a proposed organizational structure for OFM, which includes the information listed in section 104(a)(1) through (7), shall be submitted within 60 days of the effective date of the School Modernization Use of Funds Requirements Emergency Amendment Act of 2007, effective October 5, 2007 (D.C. Act 17-129; 54 DCR 10030), and approved by the Council.

**ENROLLED ORIGINAL**

“(d)(1) The Chief Financial Officer shall not continue to provide authority to obligate funds to the OFM to modernize District of Columbia Public Schools under this title if either of the following submission deadlines is missed:

“(A) The Facilities Master Plan is not submitted as required by subsection (b) of this section and certified as required by paragraph (2) of this subsection; or

“(B) The work program and proposed organizational structure are not submitted as required by subsection (c) of this section and certified as required by paragraph (2) of this subsection.

“(2) The Chief Financial Officer shall continue to provide authority to obligate funds only upon receipt of written certification from the Secretary to the Council of the District of Columbia that the submission requirements of subsection (b) or (c) of this section, whichever is applicable, have been met.”.

Sec. 3. Section 4045(a) of the Schools Modernization Amendment Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D. C. Official Code § 1-325.44(a)), is amended as follows:

**Note,  
§ 1-325.44**

(a) The heading is amended by striking the phrase “District of Columbia Public Schools” and inserting the phrase “Office of Public Education Facilities Modernization” in its place.

(b) Subsection (a) is amended as follows:

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

(A) Strike the phrase “Master Facilities Plan” and insert the phrase “Facilities Master Plan” in its place.

(B) Strike the word “Superintendent” and insert the word “Chancellor” in its place.

(2) Paragraph (2) is amended by striking the phrase “Master Facilities Plan” and inserting the phrase “Facilities Master Plan” in its place.

(3) Paragraph (3) is amended as follows:

(A) The lead-in language is amended by striking the phrase “and approved by the Board of Education which shall include” and inserting the phrase “,which shall include” in its place.

(B) Subparagraph (C) is amended by striking the phrase “Master Facilities Plan” and inserting the phrase “Facilities Master Plan” in its place.

(C) Subparagraph (D) is amended by striking the phrase “developed by the Superintendent,”.

Sec. 4. Section 704(6) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453(6)), is amended as follows:

**Note,  
§ 38-453**

(a) Strike the phrase “including planning, design,” and insert the phrase “including planning, design, maintenance,” in its place.

(b) Strike the phrase “provided, that it shall not manage routine maintenance at DCPS facilities.” and insert the phrase “provided, that it shall not manage cleaning and janitorial services at DCPS facilities.” in its place.

**Sec. 5. Applicability.**

(a) Sections 2 and 3 shall apply as of October 1, 2007.

(b) Section 4 shall apply upon:

(1) Reprogrammings being approved by the Council that transfer to the Office of Public Education Facilities Modernization:

(A) All assets, personnel, and funding authority for maintenance conducted by the District of Columbia Public Schools’ Office of Facilities Management; and

(B) All assets, personnel, and funding authority for capital projects from the District of Columbia Public Schools; and

(2) Submission to the Council of a transition plan detailing the incorporation of the Office of Facilities Management into the Office of Public Education Facilities Modernization.

**Sec. 6. 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. 7. 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