

AN ACT

Bill 19-774
Act 19-651
effective
January 29,
2013

Codification
District of
Columbia
Official Code
2001 Edition

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to grant the State Board of Education personnel authority and the authority to appoint up to 3 employees; to amend the State Board of Education Establishment Act of 2007 to grant the State Board of Education personnel authority, and make it responsible for administering its budget; to amend the Ombudsman for Public Education Establishment Act of 2007 to provide that the Ombudsman for Public Education be appointed by the State Board of Education to serve a 5-year term.

State Board of
Education
Personnel
Authority
Amendment
Act of 2012

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “State Board of Education Personnel Authority Amendment Act of 2012”.

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 406(b) (D.C. Official Code § 1-604.06(b)) is amended as follows:

Amend
§ 1-604.06

(1) Paragraph (20) is amended by striking the word “and” at the end.

(2) Paragraph (21) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (22) is added to read as follows:

“(22) For employees of the State Board of Education, the personnel authority is the State Board of Education.”.

(b) Section 903(a) (D.C. Official Code § 1-609.03(a)) is amended as follows:

Amend
§ 1-609.03

(1) Paragraph (9) is amended by striking the word “and” at the end.

(2) Redesignate paragraph (10) as paragraph (11).

(3) A new paragraph (10) is added to read as follows:

“(10) The State Board of Education may appoint no more than 3 full-time equivalent employees; and”.

(4) The newly designated paragraph (11) is amended by striking the phrase “through (9)” and inserting the phrase “through (10)” in its place.

Sec. 3. The Ombudsman for Public Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-351 *et seq.*), is amended as follows:

(a) Section 602 (D.C. Official Code § 38-351) is amended to read as follows:

Amend
§ 38-351

“Sec. 2. Office of Ombudsman for Public Education; establishment; term.

“(a) There is established within the State Board of Education an Office of Ombudsman for Public Education, which shall be headed by an ombudsman appointed by the State Board of Education.

“(b)(1) The Ombudsman shall be a District resident within 180 days of appointment.

“(2) The Ombudsman shall serve for a term of 5 years, and may be reappointed.

“(3) After notice and an opportunity to be heard, the Ombudsman may be removed only for cause that relates to the Ombudsman’s character or efficiency by a majority vote of the State Board of Education.

“(c) If a vacancy in the position of ombudsman occurs as a consequence of resignation, disability, death, or other reasons other than the expiration of the term, the State Board of Education shall appoint an ombudsman to fill the unexpired term within 75 days of the occurrence of the vacancy.”.

(b) Section 604(a) (D.C. Official Code § 38-353(a)) is amended as follows:

**Amend
§ 38-353**

(1) Paragraph (12) is amended to read as follows:

“(12) Submit to the Deputy Mayor for Public Education, the Council, the Mayor, State Board of Education, Office of the State Superintendent of Education, District of Columbia Public Schools, Public Charter School Board, and the University of the District of Columbia on December 15th and May 15th, an analysis of the preceding month within that semester, including complaint and resolution data; ”.

(2) Paragraph (15) is amended as follows:

(A) Strike the number “90” and insert the number “45” in its place.

(B) Strike the phrase “Deputy Mayor for Education a report” and insert the phrase “Deputy Mayor for Education, the Council, the State Board of Education a report, which shall be posted on their websites,” in its place.

(c) Section 605(D.C. Official Code § 38-354) is amended by adding a new paragraph (5A) to read as follows:

**Amend
§ 38-354**

“(5A) Bring persons together to resolve conflicts that are not in formal legal or administrative proceedings.”.

(d) Section 606(a) (D.C. Official Code § 38-355(a)) is amended as follows:

**Amend
§ 38-355**

(1) Paragraph (4) is amended by striking the word “or”.

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

“(4A) Examine or investigate any matter that would be under the jurisdiction of the Office of the Inspector General or the Office of District of Columbia Auditor.”.

Sec. 4. Section 403(d) of the State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(d)), is amended to read as follows:

**Amend
§ 38-2652**

“(d)(1) The Board shall, by order, specify its organizational structure, staff, operations, reimbursement of expenses policy, and other matters affecting the Board’s functions.

“(2) The Board shall appoint staff members, who shall serve at the pleasure of the Board, to perform administrative functions and any other functions necessary to execute the mission of the Board.

“(3) Beginning in fiscal year 2013, the Board shall prepare and submit to the Mayor, for inclusion in the annual budget prepared and submitted to the Council pursuant to Part D of Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.41 *et seq.*) (“Home Rule Act”), annual estimates of the expenditures and appropriations necessary for the operation of the Board for the year. All the estimates shall be forwarded by the Mayor to the Council for, in addition to the Mayor’s recommendations, action by the Council pursuant to sections 446 and 603(c) of the Home Rule Act.

“(4) The Board shall be reflected in the budget and financial system as an agency-level entity.

“(5) All assets, staff, and unexpended appropriations of the Office of the State Superintendent of Education or of any other agency that are associated with the Board shall be transferred to the Board by April 1, 2013.”.

Sec. 5. Applicability.

Section 3 shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

**Delayed
Applicability**

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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.

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.