

A RESOLUTION

**Proposed
Resolution
20-373**

**See Emergency
D.C. Act 20-146
20 DCStat 1998**

**Teachers'
Retirement
Congressional
Review
Emergency
Declaration
Resolution of
2013**

*To declare the existence of an emergency, due to Congressional review, with respect to the need to amend
An Act For the retirement of public-school teachers in the District of Columbia to allow for
involuntary retirement for all excessed permanent status teachers without regard to whether a
teacher chose to reject other options available to him or her.*

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Teachers’ Retirement Congressional Review Emergency Declaration Resolution of 2013”.

Sec. 2. (a) There exists an immediate need to implement Bill 20-64, the Teachers’ Retirement Amendment Act of 2013, which was approved by the Council on 2nd reading on June 4, 2013, designated as D.C. Act 20-93, and is pending Congressional review.

(b) D.C. Act 20-93 provides that for purposes of involuntary retirement, the term “involuntarily separated” includes the excessing of a permanent status teacher, without regard to whether the teacher chose to reject options available to him or her, such as finding placement elsewhere in the District of Columbia Public Schools (“DCPS”).

(c) D.C. Act 20-93 defines “excessing” as the elimination of a teacher’s position at a particular school, when such an elimination is not a reduction in force or abolishment, due to a: decline in student enrollment; reduction in the local school budget; closing or consolidation; restructuring; or change in the local school program. This definition mirrors that in the Collective Bargaining Agreement between the Washington Teachers’ Union and the District of Columbia Public Schools (“CBA”).

(d) According to the CBA, excessed teachers whose most recent performance review was “effective” or higher have options available to them after an excess, including a cash buy-out or an extra year to find another placement.

(e) Because of the existence of these options, teachers rated “effective” or higher were not given a separation notice at the time of an excess, as teachers with less than “effective” ratings were. Thus, teachers that were rated “effective” or higher typically did not have access to the involuntary retirement provisions in the law until one year later, after the extra year had expired.

(f) D.C. Act 20-93 clarifies that all excessed permanent status teachers have access to involuntary retirement after an excessing, regardless of whether the teacher had other options available and rejected them. This ensures that all excessed permanent status teachers will have access to an early retirement option, with certain penalties already in the law, after an excessing occurs.

(g) D.C. Act 20-93 is particularly important in light of DCPS's current consolidation of 13 schools following the 2012-2013 school year, and plan to consolidate 2 schools at the end of the 2013-2014 school year, which has resulted, and will continue to result, in the excessing of a significant number of teachers.

(h) The last day of the current school year was June 21, 2013, which was the effective date of an excessing for affected teachers. Because immediate implementation of D.C. Act 20-93 was necessary to ensure that all eligible affected teachers would have access to an early retirement option, the Council passed the Teachers' Retirement Emergency Amendment Act of 2013 on May 7, 2013 (D.C. Act 20-72).

(i) D.C. Act 20-72 implemented all of the provisions of D.C. Act 20-93.

(j) D.C. Act 20-72 will expire on August 14, 2013.

(k) This Congressional review emergency is necessary to prevent a gap in the law.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Teachers' Retirement Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.