

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-76, effective February 22, 2014
(Partial Delayed Applicability)

20 DCSTAT 2910

AN ACT

Bill 20-314
Act 20-242
effective
December 16,
2013

Codification
District of
Columbia
Official Code
2001 Edition

Parent and
Student
Empowerment
Amendment
Act of 2013

To amend the Ombudsman for Public Education Establishment Act of 2007 to clarify the duties and responsibilities of the Ombudsman, and to require the Office of Ombudsman for Public Education to provide complaint resolution services for students of District of Columbia public schools and their parents; to establish the Office of the Student Advocate to represent students, parents, and guardians on issues regarding public education; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Parent and Student Empowerment Amendment Act of 2013”.

TITLE I. OFFICE OF OMBUDSMAN FOR PUBLIC EDUCATION

Sec. 101. Short title.

This title may be cited as the “Office of Ombudsman for Public Education Amendment Act of 2013”.

Sec. 102. 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 by adding new subsections (d) and (e) to read as follows:

Amend
§ 38-351

“(d) The purpose of the Ombudsman is to serve as a neutral resource for current and prospective public school students and their parents or guardians in the resolution of complaints and concerns regarding public education.

“(e) For the purposes of this act, the term “public school” means District of Columbia Public Schools and public charter schools in the District of Columbia.”.

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

Amend
§ 38-353

(1) The lead-in language is amended by striking the phrase “(a) The” and inserting the word “The” in its place.

(2) Paragraph (1) is amended by striking the phrase “residents and parents” and inserting the phrase “current and prospective public school students and their parents or guardians” in its place.

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

“(2) Encourage communication between public schools and current and prospective public school students and their parents or guardians regarding public education;”.

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(4) Paragraph (3) is amended by striking the word “citizens” and inserting the phrase “current and prospective public school students and their parents or guardians” in its place.

(5) Paragraph (5) is amended to read as follows:

“(5) Receive complaints from current and prospective public school students and their parents or guardians concerning public education, including personnel actions, policies, and procedures;”.

(6) Paragraph (9) is amended to read as follows:

“(9) Refer complainants to a public school official, agency, department, or resource, when appropriate;”.

(7) Paragraph (10) is amended to read as follows:

“(10) Except when the parties are involved in legal or administrative proceedings, resolve complaints presented by current and prospective public school students and their parents or guardians, either through complaint resolution services as established pursuant to section 608 or through other informal measures;”.

(8) Paragraph (11) is amended to read as follows:

“(11) Develop and maintain a database that tracks complaints and concerns, identified by grade level and by the public school, and the resolution of complaints and concerns;”.

(9) Paragraph (12) is repealed.

(10) Paragraph (13) is amended to read as follows:

“(13) Identify systemic concerns and recommend to the State Board of Education policy changes, staff training, and strategies to improve public education; and”.

(11) Paragraph (14) is repealed.

(12) Paragraph (15) is amended to read as follows:

“(15) Within 90 days after the end of each school year, submit to the State Board of Education, and make publicly available, a report summarizing the work of the Office of Ombudsman during the previous school year, which shall, at minimum, include an analysis of the types and number of:

“(A) Complaints received;

“(B) Complaints examined and resolved informally;

“(C) Complaints examined and resolved through a formal process;

“(D) Complaints dismissed as unfounded;

“(E) Complaints pending;

“(F) Recommendations made; and

“(G) Recommendations that were followed, to the extent that it can be determined.”.

(c) Section 605 (D.C. Official Code § 38-354) is amended as follows:

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

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“(1) Have access to books, records, files, reports, findings, and all other papers, items, or property (“documents”) belonging to or in use by all departments, agencies, instrumentalities, and employees of public schools necessary to facilitate the purpose of this act, excluding the Executive Office of the Mayor, the Council, and the District of Columbia courts; provided, that such access is limited to documents related to the student or parent or guardian that the Office of Ombudsman is assisting;”.

(2) Paragraph (6) is amended by striking the phrase “Office of Ombudsman absent a complaint” and inserting the phrase “Office of Ombudsman, whether initiated by a complaint or another means” in its place.

(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” at the end.

(2) Paragraph (5) is amended to read as follows:

“(5) Examine the Executive Office of the Mayor, the Council or its personnel, the District of Columbia courts or its personnel, other elected officials, private schools, or private organizations or businesses; or”.

(3) A new paragraph (6) is added to read as follows:

“(6) Provide legal advice or legal representation.”.

(e) A new section 606a is added to read as follows:

**New
§ 38-356**

“Sec. 606a. Complaint resolution services.

“(a) The Office of Ombudsman shall provide complaint resolution services, which shall be available to current and prospective public school students and their parents or guardians.

“(b) Participation in complaint resolution services provided by the Office of Ombudsman shall be voluntary.

“(c) Before submitting a complaint to the Office of Ombudsman, the complainant shall make reasonable efforts to resolve the issue at the school level.

“(d) Complainants may submit complaints by phone, in writing, or electronically.

“(e) The Office of Ombudsman shall review and investigate each complaint and shall do one or more of the following:

“(1) Resolve the complaint;

“(2) Refer the complainant to another agency or department;

“(3) Require the complainant to submit documentation to support the complaint;

“(4) Provide an opportunity for the complainant to meet with the subject of the complaint;

“(5) Conduct mediation proceedings;

“(6) Dismiss the complaint as unfounded; or

“(7) Take any other action determined necessary and appropriate by the Ombudsman.”.

TITLE II. OFFICE OF THE STUDENT ADVOCATE
Sec. 201. Short title.

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This title may be cited as the “Office of the Student Advocate Establishment Act of 2013”.

Sec. 202. Office of the Student Advocate.

**New Chapter
3B, Title 38
New
§ 38-371
(Delayed
applicability)**

(a) There is established within the State Board of Education (“Board”) an Office of the Student Advocate (“Office”), which shall be headed by a Chief Advocate who shall be appointed by the Board for a term of 5 years and may be reappointed.

(b) After notice and an opportunity to be heard, the Chief Advocate may be removed by a majority vote of the Board only for cause that relates to the Chief Advocate’s character or efficiency.

(c) If a vacancy in the position of Chief Advocate occurs as a consequence of resignation, removal, disability, death, or reasons other than the expiration of the term, the Board shall appoint a Chief Advocate to fill the unexpired term within 75 days of the occurrence of the vacancy.

(d) The purpose of the Chief Advocate is to advocate on behalf of current and prospective public school students and their parents or guardians before the Office of Ombudsman for Public Education or public school officials and to provide community outreach, assistance, and information on public education issues.

(e) For the purposes of this act, the term “public school” means District of Columbia Public Schools and public charter schools in the District of Columbia.

Sec. 203. Chief Advocate; qualification.

**New
§ 38-372**

The Chief Advocate shall:

(1) Be a resident of the District of Columbia within 180 days of appointment and shall remain a resident for the duration of the appointment;

(2) Possess experience in outreach, advocacy, social work, law, or counseling;
and

(3) Have management experience that demonstrates the ability to hire and supervise qualified staff.

Sec. 204. Duties.

**New
§ 38-373**

The Chief Advocate shall:

(1) Support student academic achievement by supporting current and prospective public school students and their parents or guardians in their interactions with public school personnel;

(2) Facilitate the school enrollment process by providing current and prospective public school students and their parents or guardians with information on school admission, application, and enrollment policies and procedures;

(3) Help current and prospective public school students and their parents or guardians access education resources offered by the public schools;

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(4) Operate a public education hotline to answer questions and provide information about public education and to direct individuals to the appropriate agencies and offices within the District;

(5) Conduct at least 8 information sessions annually, with at least one session in each ward, to provide current and prospective public school students and their parents or guardians with information about public education, including information regarding programs for special education students and for English-language learners, and to obtain feedback from current and prospective public school students and their parents or guardians on public education in the District;

(6) If requested by a current or prospective public school student or a student's parent or guardian, serve as an advocate for the student in complaint resolution proceedings before the Office of Ombudsman for Public Education;

(7) Develop and maintain a database that tracks issues brought to the attention of the Office, identified by grade level and by the public school, and the resolution of such issues;

(8) Recommend policy changes, staff training, and strategies to improve the efficient and equitable delivery of public education services;

(9) Within 90 days after the end of each school year, submit to the Board, and make publicly available, a report summarizing the work of the Office during the previous school year, which shall at minimum include an analysis of the types and number of:

(A) Complaints, concerns, or other issues brought to the attention of the Office, including those received through the hotline and at a public education resource center;

(B) Complaints, concerns, or other inquiries resolved informally;

(C) Complaints, concerns, or other inquiries resolved through formal procedures; and

(D) Students represented in complaint resolution proceedings before the Office of Ombudsman for Public Education; and

(10) Have access to books, records, files, reports, findings, and all other papers, items, or property "(documents") belonging to or in use by all departments, agencies, instrumentalities, and employees of public schools necessary to facilitate the purpose of this act, excluding the Executive Office of the Mayor, the Council, and the District of Columbia courts; provided, that such access is limited to documents related to the student or parent or guardian that the Office is assisting.

Sec. 205. Public education resource centers.

(a) The Office may establish and operate public education resource centers throughout the District to provide students, parents, and guardians with information about educational programs and school choice, including information about the application, enrollment, and assignment process.

(b) Public education resource centers established pursuant to this section shall be staffed by Office personnel and, at the discretion of the Chief Advocate, parent or guardian volunteers.

New
§ 38-374

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TITLE III. CONFORMING AMENDMENTS.

Sec. 301. Section 403(a) 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(a)), is amended by adding a new paragraph (1A) to read as follows:

New
§ 38-2652

“(1A) Oversee the Office of Ombudsman for Public Education in accordance with 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.*), and the Office of the Student Advocate in accordance with the Office of the Student Advocate Establishment Act of 2013, passed on 2nd reading on December 3, 2013 (Enrolled version of Bill 20-314);”.

TITLE IV. GENERAL PROVISIONS

Sec. 401. Applicability.

Title II of this act 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.

Title II
Delayed
applicability1
02(b)

Sec. 402. 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. 403. 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.