

AN AMENDMENT

1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Date: June 26, 2013
Amendment offered by: Councilmember David Catania
To: Bill 20-109

JAC

Version: Introduced _____
Committee Print _____
First Reading _____
Amended First Reading _____
Engrossed X _____
Enrolled _____
Unidentified _____

1 1. On Page 7, Line 15, insert the following:

2 Sec. 107. Due process.

3 (a) Until rules are issued pursuant to section 106, any party aggrieved by a final decision
4 or order of OSSE imposing sanctions following a determination by OSSE that a violation of this
5 title has occurred may obtain a review of the final decision or order by filing a written notice of
6 appeal to the Mayor within 10 calendar days from the date on which OSSE imposed the sanction
7 being contested.

8 (b) The written notice of appeal shall contain the following information:

9 (1) The type and the effective date of the sanction(s) imposed;

10 (2) The name, address, and telephone number(s) of the aggrieved party or the
11 aggrieved party's representative, if any;

12 (3) A copy of OSSE's notice of final decision;

1 (4) A statement as to whether the aggrieved party or anyone acting on his or her
2 behalf has filed an appeal under any negotiated review procedure pursuant to a collective
3 bargaining agreement, or has filed a complaint with any other agency regarding this matter;

4 (5) The identity of the collective bargaining unit (if any) of which the aggrieved
5 party is a member;

6 (6) A statement as to whether the aggrieved party requests a hearing;

7 (7) A concise statement of the facts giving rise to the appeal;

8 (8) An explanation as to why the aggrieved party believes OSSE's action was
9 unwarranted and any supporting documentation;

10 (9) A statement of the specific relief the aggrieved party is requesting; and

11 (10) The signature of the employee and his or her representative, if any.

12 (c) If a hearing is requested, the Mayor will hold a hearing within 30 calendar days after
13 the receipt of the notice of appeal and hearing request and will issue a written ruling no later than
14 10 calendar days after the hearing. If no hearing is requested, the Mayor shall issue a written
15 ruling within 30 days of receipt of the notice of appeal. For the purposes of this subsection, a
16 notice of appeal is considered received on the date it was postmarked.

17 (d) Appeals filed pursuant to this section, and any hearings held, shall be administered in
18 accordance with the District of Columbia Administrative Procedure Act, approved October 21,
19 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*)

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21 2. On Page 10, line 2, insert the phrase "and in targeted schools" after the phrase
22 "selected schools".

23
24 3. On Page 10, Line 5, through Page 11, Line, 6, redesignate the subparagraphs (H)
25 through (N) as (I) through (O), and insert the following:

1 "(H) Establish a process by which ensure compliance with all applicable laws and
2 regulations for the administration of Districtwide assessments for LEA students at non-public
3 schools."

Fiscal impact statement:

See attached fiscal impact statement.

Rationale:

The purpose of these amendments is to clarify OSSE's scope to ensure that OSSE can properly oversee the administration of Districtwide assessments. Additionally, to ensure that aggrieved parties are given due process to appeal any decisions against them.

COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff - Budget Director

DATE: June 26, 2013

SHORT TITLE: B20-109, the "Testing Integrity Act of 2013"

TYPE: Amendment

REQUESTED BY: Councilmember David Catania

Conclusion

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with implementing this amendment.

Background

This amendment clarifies the scope of the Office of the State Superintendent's role in the administration of District wide assessments to include non-public schools. Also, this amendment provides due process procedures for those accused before the Mayor issues rules as per the act.

Analysis of Impact on Spending

This legislation will not adversely impact spending.

Analysis of Impact on Revenue

This legislation will not adversely impact revenue.