

  
Councilmember David A. Catania

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the School Reform Act to remove the ability for a charter school to appoint DCPS as its local education agency for purposes of special education and to allow charter schools to implement an admission preference for students with disabilities; to reinvest unspent funds dedicated to special education non-public placements in capacity building; and, to clarify the ability of the ombudsman to examine patterns of complaints as raised by students and parents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Special Education Quality Improvement Act of 2014”.

TITLE I. SPECIAL EDUCATION CAPACITY

Sec. 101. Short title.

This title may be cited as the “District of Columbia School Reform Amendment Act of 2014.

Sec. 102. The District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107, D.C. Code, § 38-1800.01, *et. seq.*), is amended as follows:

(a) Section 2202(19) (D.C. Official Code § 38-1802.02(19)) is repealed.

(b) Section 2206 (D.C. Official Code § 38-1802.06) is amended as follows:

(1) Subsection (c) is amended by adding a new sentence at the end, to read as follows: “With the prior approval by the Public Charter School Board, a preference in admission may also be given to students within a particular disability category pursuant to the Individuals with Disabilities Education Act, in order to facilitate the planning, development, and maintenance of high quality special education programs in the District of Columbia.”

1 (2) Inserting a new subsection (c-1) to read as follows:

2 “(c-1) A public charter school seeking to establish a preference for admission  
3 based on disability category shall apply to the Public Charter School Board. In reviewing such  
4 applications, the Public Charter School Board shall ensure that the proposed preference will  
5 increase educational opportunities for, and not adversely impact, students with disabilities. In  
6 approving a preference for admission based on disability category, the Public Charter School  
7 Board shall make publicly available a written document that specifies the particular disability  
8 category for which the preference was approved and the reasons for granting the preference.”

9 (c) Section 2210(c) (D.C. Official Code § 38-1802.10(c)) is amended to read as follows:

10 “(c) Education of Children with Disabilities – No later than August 1, 2017, each public  
11 charter school with fewer than 90% of its students entitled to receive services pursuant to an  
12 individualized educational program shall be treated as a local educational agency for the purpose  
13 of part B of the IDEA and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).”

14 Sec. 103. Special education enhancement fund.

15 (a)(1) There is established the Special Education Enhancement Fund (“Enhancement  
16 Fund”) as a segregated fund within the General Fund. Subject to authorization by Congress, any  
17 funds appropriated in the Enhancement Fund shall be continually available without regard to  
18 fiscal year limitation.

19 (2) The Enhancement Fund shall be administered by the State Superintendent for  
20 Education.

21 (b) There shall be deposited into the Enhancement Fund:

22 (1) Any excess funds remaining in the operating budget for the non-public tuition  
23 paper agency at the end of each fiscal year;

1 (2) Any other annual appropriation, if any; and

2 (3) Grants, gifts, or subsidies from public or private sources.

3 (c) The Enhancement Fund shall be used solely to support the following:

4 (1) Providing additional funds to those public schools which demonstrate that  
5 they have incurred costs associated with providing special education services above that for  
6 which the school was budgeted as part of the Uniform per Student Funding Formula allocation;  
7 and

8 (2) Supporting special education capacity expansions, including:

9 (A) Partnerships developed between non-public schools and public  
10 schools or public charter schools to provide special education services and training;

11 (B) Collaborative ventures between public charter schools to develop  
12 special education capacity through joint special education training, administration, or instruction;

13 (3) Programs providing joint professional development and training opportunities,  
14 joint agreements to procure or provide special education services, or joint evaluations or  
15 assessments developed by groups of public schools or public charter schools;

16 (4) The development of therapeutic before and aftercare programs for children  
17 with disabilities attending public schools or public charter schools in the District of Columbia.

18 TITLE II. OMBUDSMAN.

19 Sec. 201. Short title.

20 This title may be cited as the “Ombudsman for Public Education Establishment  
21 Amendment Act of 2014”.

22 Sec. 202. The Ombudsman for Public Education Establishment Act of 2007, effective  
23 June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-351, *et seq.*), is amended as follows:

1 (a) Section 604(a) (D.C. Official Code § 38-353(a)) is amended by adding a new  
2 paragraph (16) to read as follows:

3 “(16) Identify school-level concerns based upon a pattern of complaints or concerns and  
4 recommend changes to improve the delivery of public education services.”

5 (b) Section 605 (D.C. Official Code § 38-354) is amended by inserting a new paragraph  
6 (3A) to read as follows:

7 “(3A) Observe instruction at any DCPS or public charter school.”

8 TITLE III. GENERAL PROVISIONS.

9 Sec. 301. Fiscal Impact Statement.

10 The Council adopts the fiscal impact statement in the committee report as the fiscal  
11 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
12 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

13 Sec. 302. Effective Date.

14 Unless otherwise noted in this act, this act shall take effect following approval by the  
15 Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-  
16 day period of Congressional review as provided in section 602(c)(1) of the District of Columbia  
17 Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-  
18 206.02(c)(1)), and publication in the District of Columbia Register.

19