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3 Councilmember Robert C. White, Jr.  
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Councilmember Janeese Lewis George

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7 A BILL  
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10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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13 To amend the State Education Office Establishment Act of 2000 and the State Board of  
14 Education Establishment Act of 2007 to make the Office of State Superintendent of  
15 Education subordinate to the State Board of Education, add specific data collection and  
16 verification responsibilities to the Office of the State Superintendent of Education, and  
17 allow District of Columbia Public Schools employees to be members of the State Board  
18 of Education.  
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20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
21 act may be cited as the “DC State Education Agency Independence Amendment Act of 2021”.

22 Sec. 2. The State Education Office Establishment Act of 2000, effective October 21,  
23 2000 (D.C. Law 13-176; D.C. Official Code § 38-2601*et seq.*), is amended as follows:

24 (a) Section 2 (D.C. Code § 38-2601) is amended as follows:

25 (1) Subsection (a) is amended by striking the phrase “the Mayor,” and inserting  
26 the phrase “the State Board of Education,” in its place.

27 (2) Subsection (b) is amended by striking the phrase “the Mayor with the advice  
28 and consent of the Council in accordance with §1523.01(a)” and inserting the phrase “the State  
29 Board of Education” in its place.

30 (b) Section 2b (6) (D.C. Official Code § 38-2601.02(6)) is amended by striking the  
31 phrase “the Mayor” and inserting the phrase “the State Board of Education” in its place.

32 (c) Section 3(b) (D.C. Official Code § 38-2602(b)) is amended as follows:

(1) Paragraph (28)(C) is amended by striking the phrase “Mayor and the Council” and inserting the phrase “State Board of Education, Mayor, and the Council” in its place.

(d) Section 3a (D.C. Official Code § 38-2602.01) is amended by added a new subsection (c) to read as follows:

“(c)(1)(A) By June 1, 2022, the Mayor shall transfer to the State Board of Education such positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or assigned to the Office of the State Superintendent of Education under the Office of the Mayor, at which time the OSSE under the Office of the Mayor shall be abolished.

(B) Nothing in this paragraph shall be construed as obligating the State Board of Education or the OSSE to employ personnel transferred pursuant to subparagraph (A) of this paragraph for any period of time.

(2) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the OSSE relating to its functions transferred to the State Board of Education pursuant to this subsection shall remain in effect according to their terms until lawfully amended, repealed, or modified.

(e) Section 7b(e)(1) (D.C. Official Code § 38-2608(e)(1)) is amended by striking the phrase “Mayor and the Council” and inserting the phrase “State Board of Education, Mayor, and the Council” in its place.

Sec. 3. The State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9, D.C. Official Code § 38-2651 *et seq.*) is amended as follows:

(a) Section 402 (D.C. Official Code § 38-2651) is amended as follows:

(1) Subsection (e)(1)(D) is amended by inserting the phrase “, except for employees of D.C. Public Schools,” after the phrase “District of Columbia government”.

(b) Section 403 (D.C. Official Code § 38-2652) is amended as follows:

(1) Section (a)(1) is amended by striking the existing language and inserting language to read as follows:

“(1) Oversee the Office of the State Superintendent of Education in accordance with Chapter 26 of this title.”

(2) A new paragraph (a)(1B) is added to read as follows:

“(1B) Appoint the State Superintendent of Education;”

(3) Section (d)(6) is amended by striking the phrase “Office of Ombudsman for Public Education and the Office of the Student Advocate” and inserting the phrase “Office of the State Superintendent of Education, Office of Ombudsman for Public Education and the Office of the Student Advocate” in its place.

#### Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

#### Sec. 5. 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.