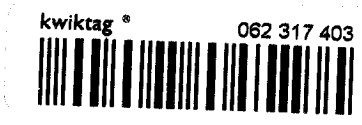


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-135

"Public Charter Schools Act of 1996".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-318 on first and second readings, February 6, 1996 and March 5, 1996 respectively. This legislation was deemed approved without the signature of the Mayor on March 26, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-243 and published in the April 5, 1996, edition of the D.C. Register (Vol. 43 page 1699) and transmitted to Congress on April 16, 1996 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-135, effective May 29, 1996.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

April 16,17,18,19,22,23,24,25,26,29,30

May 1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,28

AN ACT

D.C. ACT 11-243

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 26, 1996

To provide for the establishment of charter schools in the District of Columbia in order to improve the quality of public education in the District of Columbia; to provide parents and students with expanded public education choices; to offer the community the option of independent public schools free from the mandates of most statutes, rules, and regulations of the District of Columbia Board of Education; to create new professional opportunities for teachers; to provide for the development of zero-based, school-by-school gross operating budgets and a funding formula for public schools in the District of Columbia.

**New Chapter
12A,
Title 31**

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TITLE IV -- EFFECTIVE DATE.

- Sec. 401. Effective date.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Charter Schools Act of 1996".

TITLE I -- DEFINITIONS; FINDINGS; PURPOSES.

- Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Adult student" means an individual who is 18 years of age or older and who is enrolled in adult, community, continuing, or vocational education programs, including Adult Basic Education, Adult Secondary Education Diploma Programs or General Educational Development Programs, and English as a Second Language Programs, Levels I through IV.

(2) "Applicant" means a person, group, or organization, including a private, public, or quasi-public entity, that is nonprofit, nonreligious, nonsectarian, and nonhome-based, or an institution of higher learning that seeks to establish a public charter school or to renew a charter granted pursuant to this act.

(3) "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c))

(4) "Average daily attendance" means the aggregate student attendance of a public school for a school year divided by the number of days school was in session and students were under the guidance and direction of teachers.

(5) "Average daily membership" means the aggregate student membership of a public school for a school year divided by the number of days school was in session and students were under the guidance and direction of teachers.

New
Subchapter I
New Section
31-1261

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(6) "Board" means the District of Columbia Board of Education.

(7) "Board of Trustees" means the governing board of a public charter school, the members of which have been elected or selected pursuant to the school's charter.

(8) "Charter school" means a publicly funded school in the District of Columbia that is established in accordance with this act.

(9) "Control year" means any fiscal year for which a financial plan and budget approved by the Authority is in effect and includes Fiscal Year 1996.

(10) "Local Education Agency" or "LEA" means the Board and the Board of Trustees of a charter school.

(11) "Nonresident student" means a minor student who attends a District public school and does not have a parent residing in the District or a person who is 18 years of age or older who attends a District public school and does not reside in the District.

(12) "Parent" means a person who has custody of a child attending a public school who is a natural parent of the child, a stepparent of the child, has adopted the child, or has been appointed as a guardian for the child by a court of competent jurisdiction.

(13) "Petition" means a proposed written application to establish a charter school, submitted by an eligible applicant to the Superintendent.

(14) "Public school" means either a public school under the authority and control of the Board or a charter school.

(15) "Superintendent " means the Superintendent of the District of Columbia Public Schools.

(16) "Teacher" means any person employed as a teacher by the Board or by a charter school.

Sec. 102. Findings.

The Council of the District of Columbia finds that:

(1) Encouraging educational excellence is in the best interest of the residents of the District of Columbia.

(2) Educational excellence may be fostered when schools compete for students, when teachers can choose where to teach, and when each school entity has control over its administration, operations, and expenditures.

(3) The District of Columbia has educators, members of the community, parents, and teachers who can offer innovative educational techniques and programs through independent means.

(4) Parents and teachers associated with individual public schools must be involved in developing strategies to improve student performance.

(5) Simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual public schools to help all students achieve nationally and internationally competitive standards.

(6) Strategies must be developed for revitalization of public schools in the

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31-1262

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District of Columbia by fundamentally changing the system of public education through comprehensive, coherent, and coordinated improvement towards the objective of increasing student learning and providing all students with effective mechanisms and appropriate paths to the work force and to higher education.

(7) The public schools must be provided with an option for more autonomy over their administration, operations, and expenditures, but must be held accountable for the manner in which they exercise that autonomy.

(8) The appropriate and innovative use of technology can be very effective in helping to provide all students with the opportunity to meet high standards of learning that are nationally and internationally competitive.

(9) The establishment of charter schools in the District of Columbia will provide new public education options and provide students, educators, teachers, community members, and parents the incentive to strive for educational excellence.

Sec. 103. Purposes.

The purposes of this act are to:

(1) Improve the quality of learning by creating schools that are nationally and internationally competitive in terms of student performance and curriculum standards;

(2) Increase learning opportunities for all students;

(3) Encourage diverse approaches in learning and education, including appropriate and innovative use of technology;

(4) Stimulate the use and development of different and innovative teaching methods designed to achieve student performance and curriculum standards specified in a school's charter and measured by standardized tests or assessments administered by the Board or the Superintendent;

(5) Create new professional opportunities for teachers, including the opportunity to be responsible for the learning program used by a charter school;

(6) Provide parents and students with expanded choices in the types of public educational opportunities available in the District of Columbia;

(7) Hold charter schools and their teachers accountable for achieving student performance levels specified in their school charter;

(8) Provide public schools with a method to change from the traditional rule-based to performance-based accountability systems; and

(9) Offer the community the option of independent public schools that are free of most statutes, rules, and regulations governing public education, as long as these schools meet the requirements of this act .

**New Section
31-1263**

TITLE -- II ESTABLISHMENT OF CHARTERS.

Sec. 201. Chartering authority.

(a) The Board shall have the authority to approve petitions to establish charter schools and renew charters. The Board may approve not more than 10 petitions in any calendar year. In considering a petition to establish a charter school, the Board shall strictly adhere to the following provisions:

(1) Each charter shall be limited to a period of 5 years but may be renewed for an unlimited number of additional 5-year periods.

(2) The Board shall approve a charter if the petition conforms with the provisions of this act.

(3) The Board shall give strong preference to an application which focuses on students with special needs, such as students who have dropped out of school, disruptive students, and learning disabled students.

(4) Except where specific educational or academic benefits are shown for the location of a charter school in places such as the Smithsonian Institute, the National Zoo, or the Air and Space Museum, or any other place outside an existing school's facility, the Board shall give preference to charter schools proposed to be established within existing public school facilities.

(5) The Board shall not condition its approval or denial of a petition or application to renew on the petitioner's or applicant's general or specific compliance with statutes, policies, rules, and regulations to which public schools under the authority of the Board are subject.

(6) If the Board denies a petition to establish a charter school or an application to renew a charter, it shall specify in writing the reasons for its decision and indicate how the applicant may appeal the denial or revise the application or petition to satisfy the requirements for approval.

(7) A petition to establish a charter school or an application to renew a charter shall be deemed approved 60 days after the petition or the application has been certified as complete by the Superintendent.

(b) The Board shall deny the renewal of a charter if:

(1) The school has committed a material violation of the conditions, terms, standards, or procedures set forth in its charter;

(2) The school has failed to meet the goals and student academic achievement expectations set forth in the charter; or

(3) The renewal application fails to comply with the requirements of sections 202 and 203.

(c) If the Board denies a petition to establish a charter school or an application to renew a charter, the Council, upon a request by the applicant, may review the petition or application and by resolution, approve or disapprove the petition or application. The decision of the Council shall be final and not subject to judicial review.

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(d) A private or religiously affiliated school shall not be granted a charter.

Sec. 202. Charter petition.

New Section
31-1272

(a) An applicant seeking to establish a charter school shall prepare a petition providing the following information and documents:

- (1) A statement defining the mission and goals of the proposed charter school;
- (2) A statement of the need for the proposed charter school in the geographic area of the school site;
- (3) A description of the proposed instructional goals and methods for the school, which, at a minimum, shall include teaching and classroom instruction methods that will be used to provide students with the knowledge, proficiency, and skills needed for economic productivity, self-motivation, and competitive performance in any assessments adopted by the Board or developed and administered by the Superintendent;
- (4) A plan for evaluating student academic achievement at the proposed charter school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below acceptable standards;
- (5) An operating budget for the first 2 years of the proposed charter school that is based on anticipated enrollment;
- (6) A description of the method for conducting annual audits of the financial, administrative, and program operations of the school;
- (7) An identification of the site where the school will be located, including a description of buildings to be used and any buildings proposed to be constructed on the site;
- (8) A description of any planned or proposed contracts with a value equal to or exceeding \$10,000 for equipments, services, leases, improvements, purchases of real property, or insurance;
- (9) A timetable for commencing operations as a charter school ;
- (10) A description of the proposed rules and policies for governance and operation of the school;
- (11) Copies of the proposed articles of incorporation and bylaws of the school;
- (12) The names and addresses of the members of the proposed Board of Trustees, if known at the time of the application;
- (13) A description of the anticipated student enrollment, and the admission, suspension, and expulsion policies and procedures of the proposed charter school;
- (14) A description of the procedures the school plans to follow to ensure the health and safety of students, employees, and guests of the school, and to comply with applicable health and safety laws and regulations of the federal government and the District of Columbia government;
- (15) An explanation of the qualifications required of employees of the proposed charter school ; and

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(16) An identification and description of the individuals and entities submitting the application, including their names and addresses, and the names of the organizations or corporations of which the individuals are directors or officers.

(b) An applicant seeking to convert an existing District of Columbia public school under the authority and control of the Board into a charter school shall:

(1) Prepare a petition to establish a charter school that meets the requirements of subsection (a) of this section;

(2) Provide a copy of the petition to the following:

(A) Parents of minor students attending the existing school;

(B) Adult students attending the existing school; and

(C) Employees of the existing school;

(3) Have the petition signed by the following:

(A) A majority of parents of minor students attending the school; and

(B) A majority of adult students attending the school;

(4) Have the petition endorsed by a majority of full-time teachers at the school;

and

(5) Explain in the petition the relationship that shall exist between the proposed charter school and its employees.

(c) The applicant shall submit the petition to the Superintendent. The Superintendent shall establish a schedule for receiving petitions or applications to renew charters previously granted and shall publish any such schedule in the District of Columbia Register.

(d) An applicant seeking to renew a charter shall submit a renewal application to the Superintendent not later than 120 days before the expiration of the charter. The application to renew a charter shall contain the following:

(1) A report on the progress of the charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter; and

(2) All audited financial statements for the charter school for the preceding 4 years.

Sec. 203. Approval of charter petitions or renewal applications.

(a) For the purposes of this section, the term "application" means a petition to establish a charter school or an application to renew a charter.

(b) Within 14 days after its submission, the Superintendent shall certify an application for completeness and technical sufficiency. If the application is deficient, the Superintendent shall request the applicant to provide information necessary to correct the deficiency and may provide reasonable assistance for that purpose. An application shall be deemed completed and technically sufficient for action by the Board 60 days after its submission to the Superintendent.

(c) Not later than 30 days after an application has been certified by the Superintendent, the Board shall hold a public hearing on the application to gather the information necessary to approve or deny the application. The Board shall publish a notice of the hearing in the District

**New Section
31-1273**

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of Columbia Register and send a written notice of the hearing to the applicant not later than 10 days before the hearing.

(d) Not later than 30 days after the hearing, the Board shall approve an application if the application satisfies the requirements of this act, the Board determines that it is reasonable to expect that the applicant who filed the petition has the capacity to implement the education plan described in the petition, and the applicant agrees to satisfy any condition or requirement, consistent with this act and any other applicable law, that may be set forth in writing by the Board as an amendment to the application.

(e) Not later than 10 days after the approval of an application, the Board shall provide written notice of the approval, including a copy of the approved application and any conditions or requirements, to the applicant, the Mayor, the Council, the Chief Financial Officer, and in a control year, the Authority. The Board shall also publish a notice of the approval in the District of Columbia Register.

(f) The provisions of an approved application or renewal thereof, including any amendments, shall be considered a charter granted to the school.

(g) Charters shall be modified by the same procedure and based on the same criteria as when the charter was approved.

Sec. 204. Federal agencies

**New Section
31-1274**

The Board may request federal agencies and federally-established institutions to explore the feasibility of establishing charter schools in the District of Columbia.

Sec. 205. Duties and responsibilities of charter schools.

**New Section
31-1275**

(a) A charter school shall comply with all the terms and provisions of its charter and shall be considered a public school for all purposes except as otherwise provided in this act.

(b) A charter school shall have all of the powers necessary for carrying out its charter, including the following:

(1) To adopt a name and corporate seal, but the name selected shall include the words "charter school";

(2) To acquire real property for use as its school facility, from public or private sources;

(3) To receive and disburse funds for school purposes;

(4) To secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies subject to the provisions of this act;

(5) To incur debt in reasonable anticipation of the receipt of funds from the District of Columbia General Fund, or the receipt of other federal or private funds;

(6) To solicit and accept any grants or gifts for school purposes according to applicable laws and the terms of its charter, but the school must maintain separate accounts for such grants or gifts for financial reporting purposes;

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(7) To be responsible for its own operation, including preparation of a budget and personnel matters; and

(8) To sue and be sued in its own name.

(c) Except in the case of an emergency, with respect to any contract to be awarded by a charter school and having a value equal to or exceeding \$10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register not less than 30 days prior to the award of the contract. In a control year, the school shall submit to the Authority, not later than 3 days after the award of the contract, any contract required to be submitted to the Authority. The contract shall become effective after approval by the Authority or the effective date specified in the contract, whichever is later.

(d) Except for nonresident students, a charter school shall not charge tuition, fees, or other mandatory payments for participation in any program, educational offering, or activity for students enrolled in any grade from kindergarten through grade 12 or that is funded in whole or in part through an annual appropriation; provided, however, that a charter school may charge tuition, fees, or other mandatory payments at rates established by the Board of Trustees of the charter school for any program, educational offering, or activity that is fee-based in public schools under control and authority of the Board..

(e) A charter school shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this act, and shall be exempt from statutes, policies, rules, and regulations established by the Superintendent, the Board, the Mayor, or the Council for public schools under the control and authority of the Board, except as otherwise provided in this act or in the school's charter.

(f)(1) A charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school, the provisions of this act, and any other law applicable to the school.

(2) Within 30 days of receipt of a charter, the Board of Trustees of a charter school shall seek accreditation, and, once obtained, shall maintain accreditation, from one of the following:

- (A) The Middle States Association of College and Schools;
- (B) The Southern Association of Colleges and Schools;
- (C) The American Montessori Internationale;
- (D) The National Academy of Early Childhood Programs;
- (E) The American Montessor Society; or
- (F) Any other accrediting body deemed appropriate by the Board.

(3) If the Educational program of a charter school includes pre-school or pre-kindergarten, within 30 days of receipt of the charter, the Board of Trustees of a charter school shall seek to be licensed as a child development center by the District of Columbia government and shall maintain such a license once it is obtained.

(g) No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a charter school .

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(h) No student enrolled in a District of Columbia public school under the authority and control of the Board may be required to attend a charter school .

(i) A charter school shall not levy taxes or issue bonds.

(j) A charter school shall submit, before September 16 of each year, a report to the Superintendent and, in a control year, to the Authority. The report shall not identify students by name and shall be open to public inspection upon request. The report shall include the following information:

- (1) Student performance based upon any assessment methods adopted by the Board or developed and administered citywide by the Superintendent;
 - (2) Grade advancement for students enrolled in the charter school;
 - (3) Graduation rates, college admission test scores, and college admission rates of students of the school, if applicable;
 - (4) Types and amounts of parental involvement;
 - (5) Student enrollment as of September 15 and March 1 of each year, average daily student membership, and average daily student attendance;
 - (6) A financial statement approved by an independent certified public accountant;
- and

(7) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding \$500 during the year covered by the report.

(k) A charter school shall report to the Superintendent the annual student enrollment on a grade-by-grade basis, including students with special needs, in a manner and form prescribed by the Superintendent to administer the per capita public school funding formula.

(l) A charter school shall provide to the Board any other information on student enrollment necessary for the Board to comply with An Act To provide for compulsory school attendance for the taking of school census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat. 806; D.C. Code §31-404), and any other applicable law relating to census of minors.

(m) A charter school shall establish a complaint resolution process.

(n) A charter school shall provide a program of education which shall include 1 or more of the following:

- (1) Pre-school;
- (2) Pre-kindergarten;
- (3) Any grade or grades from kindergarten through 12th grade; or
- (4) Adult community, continuing, and vocational education programs.

(o) A charter school shall not engage in any sectarian practices in its educational program, admissions policies, employment policies, or operations.

(p) A charter school shall be organized under the District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Code § 29-501 *et seq.*), and shall not be deemed, considered, or construed to be an entity of the District of Columbia government.

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(q) The incorporators and individual trustees of a charter school shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission constitutes gross negligence, an intentional tort, or is criminal in nature. This provision shall not be construed to abrogate any immunity under common law.

Sec. 206. Board of Trustees of a charter school.

**New Section
31-1276**

(a) Members of a Board of Trustees of a charter school shall be elected or selected pursuant to the charter granted to the school. The board shall have an odd number of members that does not exceed 7 out of which a majority shall be residents of the District of Columbia, and at least 2 shall be parents of students attending the school or, in the case of a new school granted a charter, at least 2 shall be parents of students or children who are eligible to attend and who enroll at the school.

(b) An individual shall be eligible for election or selection to the Board of Trustees of a charter school if the person is a teacher or staff member who is employed at the school, a parent of a student attending the school, or meets the selection or election qualifications set forth in the charter granted to the school.

(c) The Board of Trustees shall be a fiduciary to the school and shall set overall policy for the school. The Board of Trustees shall make final decisions on matters related to the operation of the school in compliance with the charter granted to the school, this act, and any other applicable law.

Sec. 207. Admission, enrollment, and withdrawal.

**New Section
31-1277**

(a) Enrollment in a charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who remit the tuition.

(b) A charter school may not limit enrollment on the basis of intellectual or athletic ability, measures of achievement or aptitude, financial status, or physical or mental disability. A charter school may limit enrollment to specific grade levels or areas of focus of the school, such as mathematics, science, or the arts, where the limitation is consistent with the charter granted to the school.

(c) Where applications for enrollment exceed available space, students shall be admitted using a random selection process. Priority in enrollment shall be given to students, and their siblings, enrolled in the school at the time that the petition is granted, students who reside within the attendance boundaries of the school, and residents of the District of Columbia.

(d) A nonresident student enrolled in a charter school, where space is available, shall pay tuition to a charter school at the current nonresident tuition rate established by the Board for the type of program in which the student has enrolled.

(e) A student may withdraw from a charter school at any time and, if eligible, enroll in a public school under the authority and control of the Board.

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(f) The principal of a charter school may expel or suspend a student from the school or impose other types of punishment based on criteria set forth in the charter granted to the school. The criteria shall state the specific forms of punishment, including suspension and expulsion, that may be imposed for specific types of student misconduct, and shall ensure fairness and equity in the imposition of punishment. Spanking and other forms of corporal punishment shall be prohibited, except that nothing in this section shall be construed as prohibiting charter school personnel from using reasonable force to defend themselves against physical assault by the students.

Sec. 208. Employees.

**New Section
31-1278**

(a) The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia Public Schools for the purpose of permitting the employee to accept a position at a charter school for a 2-year term. The Superintendent may not unreasonably withhold approval of the request.

(b) An employee of the District of Columbia public schools who is granted an extended leave of absence, without pay, to accept a position at a charter school, may return to active employment with the District of Columbia public schools under terms and conditions that are in accordance with Board rules and regulations in effect at the time of his or her projected re-employment governing employee returns from extended leave of absence.

(c) An employee of a charter school who has received a leave of absence under this section shall receive creditable service, as defined in section 2604 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27; D.C. Code §1.627.4), and the rules established under that section, for the period of the employee's employment at the charter school.

(d) Notwithstanding any other provision of law, employees of charter schools shall not be considered to be employees of the District of Columbia public schools or the District of Columbia government.

Sec. 209. Monitoring.

**New Section
31-1279**

(a) The Superintendent shall monitor, assess, and evaluate the operations of each charter school to determine the extent to which the school complies with its charter and applicable local and federal laws, and the extent to which the school is meeting or making satisfactory progress toward meeting student academic achievement expectations specified in the school's charter and the minimum academic standard required for District of Columbia public schools.

(b) The Superintendent may require a charter school to produce any book, record, paper, or document if the Superintendent determines that the production is necessary to carry out his functions under this act.

(c) The Superintendent may charge a fee, not to exceed \$150, for processing a petition to establish a charter school or renew an existing charter.

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(d) The Superintendent may charge each public charter school an administrative fee, not to exceed ½ of 1% of the annual budget of the school, to cover the cost of undertaking administrative, monitoring, assessment, and evaluation responsibilities as prescribed by this act.

Sec. 210. Revocation of charter.

**New Section
31-1280**

(a) Upon the recommendation of the Superintendent, the Board may, at any time, revoke the charter if it determines that the school has committed a violation of applicable law or a material violation of its charter.

(b) The Board shall revoke the charter if it determines that the school:

- (1) Has engaged in a pattern of nonadherence to generally accepted accounting principles;
- (2) Has engaged in a pattern of fiscal mismanagement;
- (3) Is no longer economically viable;
- (4) Is not making satisfactory progress toward meeting student achievement expectations specified in the school's charter; or
- (5) Does not meet the minimum academic standards required for District of Columbia public schools.

(c) If the Board decides to revoke a charter, the Board shall comply with the following procedures:

(1) The Board shall provide a written notice of its pending action to the Board of Trustees of the charter school to which the proposed revocation is directed. The notice shall state in reasonable detail the basis for the proposed revocation, and shall inform the Board of Trustees of the charter school of the right to a formal hearing to appeal the proposed revocation.

(2) Not later than 15 days after receipt of a notice of a proposed charter revocation, the Board of Trustees of a charter school may request, in writing, a formal hearing before the Board to appeal the proposed charter revocation.

(3) The Board shall hold a hearing not later than 20 days after the receipt of a written request for a formal hearing. The Board shall provide a hearing notice of not less than 7 days to the Board of Trustees of the charter school. The notice shall include the time, date, and location of the hearing, the procedures to be followed at the hearing, and the data, information, and documents to be provided by the Board of Trustees or to be reviewed at the formal hearing.

(4) The Board shall render, in writing, a final decision on the proposed revocation appeal not later than 10 days after the date of the formal hearing. If the Board denies the appeal, it shall state in reasonable detail the basis for its decision.

(d) If the Board determines that a charter should be revoked, the Board shall manage the charter school from the date of the final revocation until the end of the current school year or until alternative arrangements can be made to enroll students at other schools.

(e) If the Board determines that a charter should be revoked, the Council, upon a request by the Board of Trustees, may review the petition or application, and by a resolution, approve or disapprove the revocation. The Council's decision shall be final and not subject to judicial

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review.

Sec. 211. Reduced fares for public transportation.

**New Section
31-1281**

Students attending charter schools shall be eligible for reduced fares on the District of Columbia public transit system on the same terms and conditions as students attending District of Columbia public schools, as provided in An Act to provide for the regulation of fares for the transportation of schoolchildren in the District of Columbia, approved August 9, 1955 (69 Stat. 616; D.C. Code §§ 44-216 through 44-221).

Sec. 212. District of Columbia Public School services.

**New Section
31-1282**

The Superintendent may provide services such as a health benefits plan, budgeting, accounting, transportation of disabled students, and facilities maintenance to charter schools. All compensation for the costs of such services shall be subject to negotiation and mutual agreement between a charter school and the Superintendent.

Sec. 213. Application of laws.

**New Section
31-1283**

(a) For the purposes of this act, each public charter school shall be considered a local education agency and shall be eligible for the same federal financial assistance as public schools under the authority and control of the Board.

(b) A charter school shall be exempt from District of Columbia property and sales taxes.

(c) Except as otherwise provided in this act, a charter school shall be subject to all statutes, policies, rules, and regulations established by the District of Columbia that are applicable to nonprofit corporations.

Sec. 214. Annual budgets for public schools.

**New Section
31-1284**

(a) For Fiscal Year 1997 and for each subsequent fiscal year, the Mayor shall recommend, and the Council shall approve, annual appropriated funds budgets for the District of Columbia public schools and for charter schools in accordance with the formula established by subsection (b) of this section.

(b) The Mayor, the Council, and the Board shall establish a funding formula which determines the amount of the annual appropriation for public schools under the Board's control, and for each charter school. The funding formula shall be based on the number of students enrolled at each school, as calculated by section 216, and shall define and then take into consideration students with special needs, including students with learning, mental, or physical disabilities, disruptive students, or students who have dropped out of school.

Sec. 215. Development of zero-based budget request and school-by-school gross operating budgets.

**New Section
31-1285**

The Board shall develop its revised FY 1997 gross operating budget and its FY 1998 appropriated funds budget request as follows:

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(1) By no later than June 1, 1996, the Board shall develop, approve, and submit to the Mayor, the Council, the Authority, and the Congress, a revised FY 1997 gross operating budget that reflects the Congressionally approved FY 1996 appropriation. The revised FY 1996 gross operating budget shall be on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object, and shall indicate by position title, grade, and agency reporting code all staff actually allocated to each school as of October 15, 1995, and on an object basis all other-than-personnel-services financial resources allocated to each school.

(2) For FY 1998, the Board shall build its gross operating budget and appropriated funds request from a zero-base, starting from the local school level up through central office. The Board's initial FY 1998 gross operating budget and appropriated funds budget request submitted to the Mayor, the Council, and the Authority shall contain school-by-school budgets. The revised FY 1998 gross operating budget shall be broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object, shall indicate by position title, grade, and agency reporting code, all staff actually allocated to each school and on an object basis all other-than-personnel-services financial resources allocated to each school, and shall indicate the amount and reason for all changes made to the initial FY 1997 gross operating budget and appropriated funds request from the revised FY 1997 gross operating budget.

Sec. 216. Calculation of number of students.

New Section
31-1286

(a) Not later than 30 days after the enactment of this act, and not later than October 15 of each year thereafter, the Board shall prepare and submit to the Mayor, the Council, and, in a control year, the Authority a report containing designations by race or ethnic group, gender, learning, or mental, and physical disabilities, drop-out rates, and other special needs:

(1) Number of students, including nonresident students, enrolled in kindergarten through grade 12 in the District of Columbia public schools and in charter schools and the number of students, regardless of age or grade, whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia public schools;

(2) Amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1) of this subsection;

(3) Number of students, including nonresident students, enrolled in pre-school and pre-kindergarten in the District of Columbia public schools and in charter schools;

(4) Amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3) of this subsection;

(5) Number of full-time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in charter schools;

(6) Amount of tuition and fees assessed and collected from resident and nonresident adult students described in paragraph (5) of this subsection;

ENROLLED ORIGINAL

(7) Number of students, including nonresident students, enrolled in nongrade level programs in the District of Columbia Public Schools and in charter schools; and

(8) Amount of fees and tuition assessed and collected from nonresident students described in paragraph (7) of this subsection.

(b)(1) The District of Columbia Auditor shall conduct an audit of the initial annual report on student enrollment required by subsection (a) of this section.

(2) The audit of the initial annual report on student enrollment shall:

(A) Provide an opinion as to the accuracy of the information contained in the initial annual report on student enrollment required by subsection (a) of this section; and

(B) Identify any material weaknesses in the systems, procedures, or methodology used by the Board in determining the number of students, including nonresident students, enrolled in the District of Columbia Public Schools and in charter schools, and the number of students whose tuition for enrollment in other schools is paid for by funds available to the District of Columbia Public Schools, and in assessing and collecting fees and tuition from nonresident students.

(3) Not later than 45 days after the date on which the District of Columbia Auditor receives the initial annual report from the Board pursuant to subsection (a) of this section, the Auditor shall submit to the Mayor, the Council, and, in a control year, the Authority the audit conducted under this subsection.

Sec. 217. Fiscal Year 1996 payments to charter schools.

**New Section
31-1287**

(a) For the purpose of assisting charter schools to begin operations in the 1996 fall semester, the Congress of the United States is hereby asked to appropriate \$200,000 in federal funds in Fiscal Year 1996. This appropriation shall be placed into a restricted fund account within the District of Columbia General Fund, from which payments shall be made only to charter schools that begin operations before October 1, 1996.

(b) If the Congress provides funding as requested in subsection (a) of this section, payments to a charter school in Fiscal Year 1996 shall be an amount equivalent to 1/12 of total anticipated enrollment as set forth in the petition to establish the charter school multiplied by the per pupil cost as determined by the formula established pursuant to section 214 or in the event that the formula has not been established, then by \$500 per student to the total anticipated enrollment. Payment shall be made not later than September 1, 1996, by electronic funds transfer from the restricted account within the District of Columbia General Fund to a bank account designated by each charter school.

(c) Any funds that remain in the restricted account for charter schools on September 30, 1996, shall revert to the District of Columbia General Fund.

Sec. 218. Payments to charter schools.

**New Section
31-1288**

(a) Not less than 10 calendar days after the date of the enactment of the annual District of Columbia Appropriations Act, beginning in Fiscal Year 1997, the total amount of funds

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appropriated for charter schools, pursuant to section 214, shall be transferred into a restricted account within the District of Columbia General Fund, provided that any funds transferred shall only be expended by charter schools.

(b) By September 15th of each year, beginning in Fiscal Year 1997, each charter school shall report to the Mayor, the Council, the Board, and, in a control year, the Authority, the total number of students enrolled at the school in a format that meets the requirements of section 216.

(c) The annual amount that shall be transferred to each charter school from the General Fund, beginning in Fiscal Year 1997, shall be equivalent to the total number of enrolled students, as reported by the Board pursuant to section 216, multiplied by the average cost per student, as determined by the per capita school funding formula prescribed in section 214.

(d) On October 15, 1996, and on October 15 of each year thereafter, or not later than 10 calendar days after the enactment of the annual District of Columbia Appropriations Act, whichever occurs later, payments from the General Fund shall be made to each charter school by electronic funds transfer to a bank account designated by the school in an amount equivalent to 75% of the annual payment that each school is to receive, as determined by this section.

(e) By March 1, 1997, and by March 1 of each year thereafter, each charter school shall report to the Mayor, the Council, the Board, and, in a control year, the Authority, the total number of students who have withdrawn from, or dropped out of, the school since the beginning of the school year, and the total number of students who have enrolled after September 15, in the same format as prescribed by section 216.

(f) On May 1, 1997, and on May 1 of each year thereafter, or not later than 10 calendar days after the enactment of the annual District of Columbia Appropriations Act, whichever occurs later, each charter school shall receive the balance of its annual payment. The payment to each school shall be reduced in an amount equivalent to 50% of the per student allocation for each student who has withdrawn from, or dropped out of, the school and has not been replaced by a newly enrolled student since the beginning of the school year.

(g) If the overall annual appropriation for public schools is reduced during a fiscal year, a pro rata reduction shall be deducted from the balance of the annual payment to each charter school and from the reserve account established to fund charter schools within the General Fund.

(h) Any funds that remain in charter schools accounts on September 30 of a fiscal year shall revert to the District of Columbia General Fund.

Sec. 219. Federal grant funds.

Each public charter school may annually apply for and receive, on the same basis as public schools under the control and authority of the Board, federal financial assistance for which the public charter school may be eligible, in accordance with section 213(a).

**New Section
31-1289**

TITLE III -- CONDITIONAL APPLICABILITY.

Sec. 301. Conditional applicability.

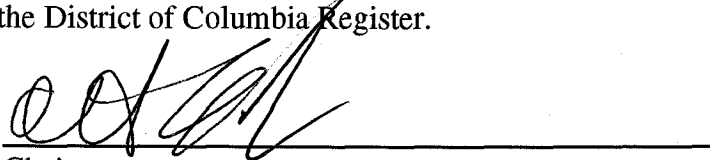
Section 217, which requests the Congress of the United States to appropriate \$200,000 in federal funds to assist charter schools to begin operations in the Fall of 1996, shall not apply until the effective date of Congressional legislation appropriating the requested federal funds, or until the effective date of this act, whichever is later.

Note, New
Section
31-1287

TITLE IV -- EFFECTIVE DATE.

Sec. 401. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

DEEMED APPROVED WITHOUT SIGNATURE
UPON EXPIRATION OF THE 10-DAY MAYORAL
REVIEW PERIOD.

NOT SIGNED

Mayor
District of Columbia

March 26, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-318

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 02-06-96

VOICE VOTE
RECORDED VOTE ON REQUEST _____

ABSENT _____

ROLL CALL VOTE - Result PASSED 9 2 0 2

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke	X				Jarvis	X				Smith, Jr.	X			
Brazil	X				Lightfoot		X			Thomas, Sr.	X			
Chavous				X	Mason	X				Whittington	X			
Cropp	X				Patterson		X							
Evans				X	Ray	X								

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angela [Signature]
Secretary to the Council

March 8, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 03-05-96

VOICE VOTE
RECORDED VOTE ON REQUEST _____

ABSENT _____

ROLL CALL VOTE - Result PASSED 9 3 0 1

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke	X				Jarvis	X				Smith, Jr.	X			
Brazil		X			Lightfoot		X			Thomas, Sr.		X		
Chavous				X	Mason	X				Whittington	X			
Cropp	X				Patterson	X								
Evans	X				Ray	X								

X - Indicates no

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angela [Signature]
Secretary to the Council

March 8, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE
RECORDED VOTE ON REQUEST _____

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date