

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To amend the Office of Administrative Hearings Establishment Act of 2001 to establish that the office shall not have mandatory jurisdiction to hear District of Columbia Public Schools special education cases, and to clarify that funding for the adjudication of District of Columbia Public Schools special education cases shall remain in the Fiscal Year 2004 budget of the District of Columbia Public Schools.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Office of Administrative Hearings Independence Preservation Amendment Act of 2004".

Sec. 2. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 5(c)(2) (D.C. Official Code § 2-1831.02(c)(2)) is repealed.

(b) Section 6 (D.C. Official Code § 2-1831.03) is amended as follows:

(1) Subsection (a)(4) is repealed.

(2) Subsection (c) is amended to read as follows:

"(c) Those agencies that are not included in subsections (a) or (b) of this section may:

"(1) Refer individual cases to the Office, with the approval of the Chief Administrative Law Judge; or

"(2) Elect to be covered by this act, subject to the approval of the Chief Administrative Law Judge and the Mayor, and upon such terms as the Mayor may set.".

Sec. 3. 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. 4. 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

Note,
§ 2-1831.02
Note,
§ 2-1831.03

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia