1 ("Facilities Management and Construction Authority"). The Facilities Management and
2 Construction Authority is created to effectuate the following public purposes:
3 (1) Ensuring that the children of the District of Columbia have safe,
4 modern, secure educational environments in which to learn;
5 (2) Implementing the District of Columbia Public Schools Master
6 Facilities Plan, and to, in consultation with DCPS, seek any appropriate amendments to
7 the Master Facilities Plan;
8 (3) Directing the functions of maintenance, inspection, construction,
9 renovation, repair, and modernization of District of Columbia Public Schools facilities;
10 and
11 (4) Expediting school modernization through the efficient expenditure of
12 District of Columbia Public Schools capital funds and the identification of and
13 development of alternative financing mechanisms for school modernization, including
14 public private partnerships, co-location, and other leveraged uses of facilities space and
15 assets.
16 Sec. 703. Powers.
17 (a) The Facilities Management and Construction Authority shall have the power
18 to:
19 (1) Sue and be sued.
20 (2) Receive, establish, and manage funds, including:
21 (A) Solicit and develop public private development partnerships,
22 consistent with law, and other means of alternative financing to support the District of
23 Columbia Public Schools capital improvement plan;

1 (B) Direct the expenditure of District capital and operating funds
2 allocated by the Council for the operation, maintenance, repair, design, construction,
3 renovation, and modernization of District of Columbia Public Schools facilities,
4 including all funds made available through the Public School Capital Improvement Fund
5 established by section 101 of the School Modernization Financing Act of 2006, effective
6 June 8, 2006 (D.C. Law 16-123, D.C. Official Code § 38-2971.01); and
7 (C) Establish one or more revolving funds for the exclusive benefit
8 of the Authority to finance the activities of the Authority, including the administration of
9 the District of Columbia Public Schools capital improvement program, which funds shall
10 not be a part of the General Fund of the District and shall be non-lapsing. Unexpended
11 amounts therein shall not revert to the General Fund at the end of the fiscal year but shall
12 remain in the Authority fund. The Authority may pledge and secure all or a portion of
13 these funds to carry out the Authority's purposes.
14 (3) Manage and execute all lease agreements, notwithstanding section
15 451(b) and (c) of the District of Columbia Home Rule Act, approved December 24, 1973
16 (87 Stat. 803; D.C. Official Code 1-204.51(b) and (c)), for the use of District of Columbia
17 Public Schools facilities, the revenues from which shall be deposited in a revolving fund
18 established by the Facilities Management and Construction Authority and separate from
19 the General Fund of the District of Columbia;
20 (4) Enter into long-term land and facility lease agreements for District of
21 Columbia Public Schools facilities, notwithstanding section 451(b) and (c) of the District
22 of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official
23 Code 1-204.51(b) and (c)), that are determined to be excess by the Mayor, upon

1 recommendation by the Chancellor, and are not needed for educational purposes in the
2 short-term. Nothing in this section shall be interpreted to grant authority to the Facilities
3 Management and Construction Authority to sell District government property or facilities
4 without following existing law governing the disposition of property;
5 (5) Enter into contracts and execute any instrument necessary or
6 convenient to accomplish the purposes of the District of Columbia Public Education
7 Facilities Management and Construction Authority and this title;
8 (6) Enter into agreements and joint venture arrangements, consistent with
9 law, with any local, state, regional, or federal government agency, community-based
10 organization, or private entity to further the purposes of this title, provided that the
11 primary purpose of such an agreement and the primary use of any school facility shall be
12 for public education;
13 (7) Approve and authorize decisions at every stage of school facility
14 maintenance, repair, renovation, construction or modernization, including planning,
15 design, procurement, and construction; and
16 (8) Adopt policies, rules, and procedures governing its procurement of
17 goods and services, notwithstanding the requirements of the District of Columbia
18 Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.
19 Official Code § 2-301.01 *et seq.*).
20 Sec. 704. Chief Executive Officer.
21 (a) The Mayor shall appoint a Chief Executive Officer ("CEO") of the Facilities
22 Management and Construction Authority, with the advice and consent of the Council,
23 pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.

1 Law 2-142; D.C. Official Code § 1-523.01(a)). The CEO shall serve at the pleasure of
2 the Mayor and shall receive such compensation as determined by the Mayor.
3 (b) In addition to any other duties set forth in this act, the CEO shall:
4 (1) Direct and supervise the administration and management of the
5 Facilities Management and Construction Authority;
6 (2) Consult with the Chancellor and the State Education Officer in
7 carrying out his functions under this act;
8 (3) Hire such personnel as the CEO deems necessary to carry out the
9 functions of the Facilities Management and Construction Authority, consistent with the
10 District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective
11 March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*);
12 (4) Authorize contracts, memoranda, and other binding agreements
13 necessary to carry out the functions of the Facilities Management and Construction
14 Authority; and
15 (5) Report and make recommendations to the Mayor on the status of
16 school facilities projects, the need for policies, rules, and regulations, and the financial
17 status of the District of Columbia Public Schools capital improvement program.
18 Sec. 705. Public-Private Development Partnerships.
19 (a) For the purposes of identifying and creating public-private development
20 partnership opportunities, consistent with law, the CEO may select one or more firms to
21 act as consultants to review the District's public school facility real estate portfolio and
22 prepare detailed business studies for potential public-public and public-private

1 development partnerships that would expedite projects already approved as part of the
2 implementation of the Facilities Master Plan.
3 (b) With the approval of the Mayor, the CEO may, consistent with law, establish
4 development partnerships in which property or land owned by the District government
5 may be sold or leased for development to generate revenue for the District of Columbia
6 Public Schools capital improvement plan.
7 (c) The CEO may, consistent with law, solicit proposals for and award financing
8 to public-public and public-private partnerships to speed school construction projects.
9 The proposals solicited may include:
10 (1) The purchase of a school site and improvements to that site;
11 (2) The construction or purchase of a building to be used as a school;
12 (3) Complete or partial furnishing and equipping of a school building;
13 (4) Repair of a school building;
14 (5) The making of improvements to a school site; and
15 (6) The costs or expenses associated with any of the projects described in
16 paragraphs (1) through (5) of this subsection, including architectural costs, engineering
17 costs, consulting costs, demolition costs, and legal costs.
18 (d)(1) The CEO shall evaluate proposals solicited under subsection (c) of this
19 section based on consistency with the Master Education Plan and Master Facilities Plan,
20 and whether the proposals:
21 (A) Provide space and are appropriately designed for school-based
22 programs, support services, and extracurricular activities;

1 (B) Include well-designed physical systems and components that
2 promote learning, safety, and energy efficiency;
3 (C) Create connections to the surrounding community and support
4 for community activities; and
5 (D) Are cost-effective to build, operate, and maintain.
6 (2) The CEO may also consider other factors that it deems important.
7 (e) The CEO shall give priority in funding to projects that:
8 (1) Build additional capacity to serve special education students, including
9 locating new special education programs within District of Columbia Public Schools
10 facilities;
11 (2) Build additional capacity to provide vocational education to secondary
12 school students in District of Columbia Public Schools;
13 (3) Co-locate public charter schools within District of Columbia Public
14 Schools facilities;
15 (4) Develop shared-use community facilities through collaboration with
16 the D.C. Public Library, the Department of Parks and Recreation, and other Executive
17 Branch agencies.
18 (f) Except as provided in this act, and except for the leases otherwise subject to
19 the provisions of an Act authorizing the sale of certain real property in the District of
20 Columbia no longer required fro public purposes, approved August 5, 1939, (53 Stat.
21 1211; D.C. Official Code §10-801), all actions by the CEO shall be consistent with
22 existing District law with regard to the sale and disposition of public school facilities and
23 property.

1 Sec. 706. Public Oversight.

2 (a) Section 201 of the School Modernization Financing Act of 2006, approved
3 June 8, 2006 (D.C. Law 16-123; D.C. Official Code § 38-2973.01) is amended as
4 follows:

5 (1) Paragraph 1 of subsection 201(a) is amended by striking the phrase
6 "of the Board of Education and those of the District" and insert the phrase "of the Mayor"
7 in its place.

8 (2) Paragraph 3 of subsection 201(a) is amended by striking the phrase
9 "advise the Board of Education" and insert the phrase "advise the Chief Executive
10 Officer of the District of Columbia Public Education Facilities Management and
11 Construction Authority ("CEO") in its place.

12 (3) Subsection 201(g) is amended to read as follows:

13 "(g) The Chairperson of the Committee shall be designated by the Mayor
14 in consultation with the Council and Chief Financial Officer."

15 (4) Subsection 202(a) is amended by striking the word "Superintendent"
16 and inserting the phrase "Chief Executive Officer of the District of Columbia Public
17 Education Facilities Management and Construction Authority ("CEO") in its place.

18 (5) Subsection 202(b) is amended by striking the word "Superintendent"
19 and inserting the word "CEO" in its place.

20 (6) Subsection 202(c) is amended to read as follows:

21 "(c) The Committee shall forward any written assessment provided to the
22 CEO to the Mayor, the Council, the Chancellor of the District of Columbia Public
23 Schools, and the Chief Financial Officer."

1 (7) Subsection 202(d) is amended by striking the word "Superintendent"
2 and inserting the word "CEO" in its place.
3 (8) Paragraph (1) of subsection 202(e) is amended to read as follows:
4 "(1) Within 30 days of receipt of the quarterly status report from the
5 CEO, the Committee shall submit a copy of the report, any written analysis or concerns
6 about specific items or projects within the report, and specific policy recommendations,
7 to the Mayor, the Council, the Chancellor of the District of Columbia Public Schools, and
8 the Chief Financial Officer."
9 (9) Paragraph (2) of subsection 202(e) is amended by striking the word
10 "Superintendent" and inserting the word "CEO" in its place.
11 Sec. 707. The District of Columbia government shall be exempt from claims and
12 suits against the Facilities Management and Construction Authority.
13 Sec. 708. The "District of Columbia Public Education Facilities Management and
14 Construction Authority Establishment Act of 2007" shall be applicable upon the
15 enactment of sections 702 through 705 of this title into law by the United States
16 Congress.
17
18 TITLE VIII. PUBLIC CHARTER SCHOOL ACCOUNTABILITY
19 Sec. 801. This act may be cited as the "Public Charter Schools Accountability
20 Reform Amendment Act of 2007".
21 Sec. 802. School Reform Act Amendments.
22 (a) Section 2201 of District of Columbia School Reform Act of 1995, effective
23 April 26, 1996 (Public Law 104-132; D.C. Official Code 38-1802.01) is amended:

1 (1) By resdesignating subsection (d) as subsection (e); and

2 (2) By adding a new subsection (d) to read as follows:

3 "(d) Existing public charter schools. A public charter school that existed
4 prior to the effective date of the Public Charter Schools Accountability Reform
5 Amendment Act of 2007, and that was chartered by the District of Columbia Board of
6 Education pursuant to the Public Charter Schools Act of 1996, effective May 29, 1996
7 (D.C. Law 11-135, D.C. Official Code § 38-1701.01 *et seq.*), shall not be required to file
8 a petition with the Public Charter School Board. Such schools shall be considered
9 approved and chartered for the purposes of the District of Columbia School Reform Act
10 and shall be subject to the powers and duties granted to the Public Charter School Board
11 as an eligible chartering authority pursuant section 2211, 2212, and 2213 of the District
12 of Columbia School Reform Act, effective May 29, 1996 (D.C. Law 11-135, D.C.
13 Official Code §§ 38-1802.11-13).".

14 (c) Paragraph 2 of section 2203(j) of the District of Columbia School Reform Act
15 of 1995, effective April 26, 1996 (Public Law 104-132; D.C. Official Code 38-1802.03)
16 is amended to read:

17 "(2) Availability of review. A decision by an eligible chartering authority to deny
18 a petition to establish a public charter school shall be subject to judicial review by an
19 appropriate court of the District of Columbia or by the State Education Office. In the
20 case of review by the State Education Office, the State Education Office shall issue
21 procedures for the submission and review of appeals.".

1 (b) Section 2212(a)(3) of the District of Columbia School Reform Act of 1995,
2 effective April 26, 1996 (Public Law 104-132; D.C. Official Code 38-1802.12(a)(3)) is
3 amended to read as follows:
4 "(3) Review. An eligible chartering authority that grants or renews a charter
5 pursuant to paragraph (1) or (2) of this subsection shall review the charter:
6 "(A) At least once every 3 years to determine whether the charter should
7 be revoked for the reasons described in subsection (a) or (b) of section 2213 in
8 accordance with the procedures for such revocation established under section 22139(c);
9 and
10 "(B) Once every 3 years, beginning on the date that is 3 years after the
11 date on which the charter is granted or renewed, to determine whether the charter should
12 be revoked for the reasons described in subsection (a) or (b) of section 2213 in its place
13 in accordance with the procedures for such revocation established under section 2213(c)."
14 (c) Section 2213 of the District of Columbia School Reform Act of 1995,
15 effective April 26, 1996 (Public Law 104-132; D.C. Official Code § 38-1802.13) is
16 amended as follows:
17 (1) Subsection (a) is amended to read as follows:
18 "(a) Charter or law violations; failure to meet goals. An eligible
19 chartering authority that has granted a charter to a public charter school or the State
20 Education Office may revoke the charter if the eligible chartering authority or State
21 Education Office determines that the school:

1 "(1) Committed a violation of the applicable laws or a material
2 violation of the conditions, terms, standards, or procedures set forth in the charter,
3 including violations relating to the education of children with disabilities; or
4 "(2) Has failed to meet the goals and student academic
5 achievement expectations set forth in the charter.".
6 (2) Subsection (c) is amended by striking paragraph (5) and inserting a
7 new paragraph (5) in its place to read as follows:
8 "(5) Review by State Education Office. Action by an eligible
9 chartering authority to revoke a charter under subsection (a) of this section may be
10 appealed by the applicant or the charter school, as applicable, to the State Education
11 Office. The State Education Office shall issue procedures for the submission and review
12 of appeals."
13 Sec. 803. The Public Charter Schools Act of 1996, effective May 29, 1996 (D.C.
14 Law 11-135, D.C. Official Code § 38-1701.01 *et seq.*) is repealed.
15 Sec. 804. Applicability.
16 (a) The "Public Charter Schools Accountability Reform Amendment Act of 2007"
17 shall be applicable upon the enactment of section 802 of this title into law by the United
18 States Congress.
19
20 TITLE IX. CONFORMING AMENDMENTS
21 Sec. 901. Section 301 of the District of Columbia Government Comprehensive
22 Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official
23 Code § 1-603.01) is amended as follows:

1 (a) Section 301 (m) (13) (D.C. Official Code § 1-603.01 (13)) is amended to read
2 as follows:
3 "(13) The term "independent agency" means any board or commission of the
4 District of Columbia government not subject to the administrative control of the Mayor,
5 including, but not limited to, the Board of Trustees of the University of the District of
6 Columbia, the Board of Library Trustees, the Armory Board, the Board of Elections and
7 Ethics, the Public Service Commission, the Zoning Commission for the District of
8 Columbia, the Public Employee Relations Board, the District of Columbia Retirement
9 Board, and the Office of Employee Appeals. For the purposes of this chapter, the
10 Council of the District of Columbia shall be considered an independent agency of the
11 District of Columbia. For the purposes of subchapter XXVIII of this chapter, the
12 Washington Metropolitan Area Transit Commission shall be considered an independent
13 agency of the District.".
14 (b) Section 301 (q) (D.C. Official Code § 1-603.01 (q)) is amended as follows:
15 (A) Strike the word "and" at the end of paragraph (51).
16 (B) Strike the period at the end of paragraph (52) and insert the phrase ";
17 and" in its place.
18 (C) A new paragraph (53) is added to read as follows:
19 "(53) District of Columbia Public Schools.".
20 Sec. 902. Section 320 of the District of Columbia Procurement Practices Act of
21 1985, effective April 15, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20) is
22 amended by adding a new subsection (q) to read as follows:

1 "(q) Notwithstanding section 105(a), (b), (c), and (e) of the District of Columbia
2 Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.
3 Official Code § 2-301.05), the Chancellor of the District of Columbia Public Schools
4 shall exercise procurement authority to carry out the purposes of the D.C. Public Schools,
5 including contracting and contract oversight, consistent with the other provisions of this
6 act.".
7 Sec. 903. An Act To fix and regulate the salaries of teachers, school officers, and
8 other employees of the board of education of the District of Columbia, approved June 20,
9 1906 (34 Stat. 316; D.C. Official Code § 38-101 *et seq.*) is amended as follows:
10 (a) Section 2 (D.C. Official Code § 38-103) is amended by striking the phrase
11 "the Board of Education" and inserting the phrase "the Chancellor of the District of
12 Columbia Public Schools" in its place.
13 (b) Section 3(1) (D.C. Official Code § 38-105) is repealed.
14 (c) Section 3(2) (D.C. Official Code § 38-106) is repealed.
15 "The Board shall have power to remove the Superintendent at any time for
16 adequate cause affecting his character and efficiency as Superintendent".
17 (d) Section 14 (D.C. Official Code § 38-156) is amended by striking the phrase
18 "The Board of Education, upon the approval of the Mayor, and with the consent of the
19 Council by resolution," and inserting the phrase "The Mayor, with the consent of the
20 Council by resolution," in its place.
21 Sec. 904. Section 1 of An Act To authorize appointment of public-school
22 employees between meetings of the Board of Education, approved April 22, 1932 (47
23 Stat. 134; D.C. Official Code § 38-131), is amended to read as follows:

1 "The Chancellor of the District of Columbia Public Schools is authorized to
2 accept the resignation or the application for retirement of any employee, to grant leave of
3 absence to any employee, to extend or terminate any temporary appointment, and to
4 make all changes in personnel and appointments growing out of such resignation,
5 retirement, leave of absence, termination of temporary appointment, or caused by the
6 decease or suspension of any employee.".
7 Sec. 905. Section 143 of the District of Columbia Appropriations Act, 1995,
8 approved September 30, 1994 (108 Stat. 2594; D.C. Official Code § 38-154 (a), (d) and
9 (e)) is amended as follows:
10 (a) Subsection (a) is amended to read as follows:
11 "(a) Hereafter, the Chancellor of the District of Columbia Public Schools shall
12 annually compile an accurate and verifiable report on the positions and employees in the
13 public schools system in the District. The first such annual report shall be verified by
14 independent auditors.".
15 (b) Subsection (d) (1) is amended to read as follows:
16 "(d) (1) Not later than October 1, 2007, and each succeeding year or within 15
17 calendar days after the date of the enactment of the District of Columbia Appropriations
18 Act for the fiscal year beginning on such October 1 (whichever occurs first), the Mayor
19 shall submit to Congress and to the Council of the District of Columbia, a revised
20 appropriated funds operating budget for the public school system of the District for such
21 fiscal year that is in the total amount of the approved appropriation and that realigns
22 budgeted data for personal services and other-than-personal services, respectively, with
23 anticipated actual expenditures.".

1 Sec. 906. Section 2 of the District of Columbia Board of Education School Seal
2 Act of 1978, effective August 2, 1978 (D.C. Law 2-96; D.C. Official Code § 38-155), is
3 amended by striking the phrase "Board of Education of the District of Columbia" and
4 inserting the phrase "the Mayor" in its place.
5 Sec. 907. Section 1203 of the Budget Support Act of 1995, effective March 5,
6 1996 (D.C. Law 11-98; D.C. Official Code § 38-157), is amended as follows:
7 (a) By striking the phrase "District of Columbia Board of Education" wherever it
8 appears and inserting the phrase "the District of Columbia Public Schools" in its place.
9 (b) By striking the word "Superintendent" in subsection (a) and inserting the word
10 "Chancellor" in its place.
11 Sec. 908. Section 3 of the District of Columbia Public School Support Initiative
12 of 1986, effective February 17, 1988 (D.C. Law 7-68; D.C. Official Code § 38-917), is
13 amended by striking the phrase "District of Columbia Board of Education" and "Board of
14 Education" wherever they appear, and inserting the phrase "the District of Columbia
15 Public Schools" in their place.
16 Sec. 909. Section 104(d) of The District of Columbia Procurement Practices Act
17 of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.04(d)),
18 is repealed.
19 Sec. 910. The School Modernization Financing Act of 2006, approved June 8,
20 2006 (D.C. Law 16-123; D.C. Official Code § 38-2971.01 *et seq.*) is amended as follows:
21 (a) Section 101(d) is amended to read:
22 "(d) Beginning on October 1, 2006, the Chief Financial Officer shall transfer any
23 funds deposited in the Fund that are requested by the Mayor to the District of Columbia

1 Public Education Facilities Management and Construction Authority through the District
2 of Columbia Public Schools capital budget, subject to the requirements of section 103.".
3 (b) Section 103 is amended by striking the phrase "Board of Education"
4 wherever it appears and inserting the phrase "District of Columbia Public Education
5 Facilities Management and Construction Authority" in its place.
6 (c) Section 203 is amended to read:
7 "Sec. 203. Annual adoption of Capital Improvement Plan and Budget.
8 "No later than October 1, 2007, and no later than 90 days prior to commencement
9 of each fiscal year thereafter, the Chief Executive Officer of the District of Columbia
10 Public Education Facilities Management and Construction Authority, in consultation with
11 the Chancellor of the District of Columbia Public Schools, shall develop and submit to
12 the Mayor and Council a detailed Capital Improvement Plan and Budget to implement
13 the approved Facilities Master Plan for the District of Columbia Public Schools. For
14 each proposed capital project, the Capital Improvement Plan and Budget shall include a
15 description of the scope of work to be done, the justification for the work per the
16 Facilities Master Plan, the estimated project cost and schedule, and measurable
17 benchmarks to be achieved by the end of the fiscal year for each project.".
18 Sec. 911. Section 1104 of the School Based Budgeting and Accountability Act of
19 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2803), is
20 amended as follows:
21 (a) Section (a) is amended by striking the phrase "June 30, 2006" and inserting
22 the phrase "October 1, 2007" in its place.
23 (b) Section (c) is amended to read:

1 "(c) In developing the Facilities Master Plan, the Mayor shall consult with the
2 Council, the Chief Executive Officer of the District of Columbia Public Education
3 Facilities Management and Construction Authority, the Public Charter School Board,
4 representatives of public charter schools, and the Public School Modernization Advisory
5 Committee, and shall consider the facilities needs of all public school students.".
6 (c) Section (d) is amended by striking the phrase "Board of Education" and
7 inserting the word "Mayor" in its place.
8 Sec. 912. Section 2552 of the District of Columbia School Reform Act of 1995,
9 approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1805.52) is amended
10 by striking the phrase "Superintendent and Board of Education" and inserting the word
11 "Mayor" in its place.
12
13 TITLE X. FISCAL IMPACT; EFFECTIVE DATE
14 Sec. 1001. Fiscal Impact.
15 The Council adopts the fiscal impact statement in the committee report as the
16 fiscal impact statement required by section 602 (c) (3) of the District of Columbia Home
17 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)
18 (3)).
19 Sec. 1002. Applicability.
20 Title I, III through VI, and IX of this act shall not apply until Title II becomes
21 effective.
22 Effective date.

1 Title II, VII, and VIII of this act shall take effect as provided in section 303 of the
2 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C.
3 Official Code § 1-203.03). The remaining titles shall take effect following approval by
4 the Mayor (or in the event of veto by the Mayor, action to override the veto), a 30-day
5 period of Congressional review as provided in section 602 (c) (1) of the District of
6 Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official
7 Code § 1-206.02 (c) (1)), and publication in the District of Columbia Register.