

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Ombudsman for Public Education Establishment Act of 2007 to clarify the duties and responsibilities of the Ombudsman for Public Education and to provide for complaint resolution services within the Office of the Ombudsman for students and parents of District of Columbia public schools; to establish an Office of the Student Advocate to represent students and parents on issues regarding public education in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Parent and Student Empowerment Act of 2013”.

TITLE I. OFFICE OF THE OMBUDSMAN FOR PUBLIC EDUCATION

Sec. 101. Short title.

This title may be cited as the “Office of the Ombudsman for Public Education Amendment Act of 2013”.

Sec. 102. The Ombudsman for Public Education Establishment Act of 2007 (D.C. Law 17-9; D.C. Official Code § 38-351 *et seq.*), as amended by the State Board of Education Personnel Authority Amendment Act of 2012 (D.C. Law 19-651), is amended as follows:

(a) Section 602 (D.C. Official Code § 38-351) is amended as follows:

(1) Paragraph (c) is amended by striking the phrase “or other reasons” and inserting “reason” in its place.

(2) A new paragraph (d) is inserted to read as follows:

1 “(d) The purpose of the Office of the Ombudsman is to help resolve complaints
2 from students who are currently enrolled or eligible to be enrolled in elementary or secondary
3 public schools in the District of Columbia and parents or guardians of those students.”.

4 (b) Section 604(a) (D.C. Official Code § 38-353(a)) is amended as follows:

5 (1) Paragraph (1) is amended by striking the word “residents” and inserting
6 “current and prospective public school students” in its place.

7 (2) Paragraph (2) is amended to read as follows:

8 “(2) Encourage communication between public schools and public school
9 students and parents or guardians regarding public elementary and secondary education in the
10 District of Columbia;”.

11 (3) Paragraph (3) is amended by striking the phrase “and concerns”.

12 (4) Paragraph (4) is amended by striking the phrase “and concerns”.

13 (5) Paragraph (5) is amended to read as follows:

14 “(5) Receive complaints from parents or guardians and students concerning public
15 education, including personnel actions, policies, and procedures;

16 (6) Paragraph (6) is amended by striking the phrase “and concerns”.

17 (7) Paragraph (9) is amended to read as follows:

18 “(9) Refer complainants and others to a school official, agency, department, or
19 resource, when appropriate;”.

20 (8) Paragraph (10) is amended to read as follows:

21 “(10) Except when the parties are involved in formal legal or administrative
22 proceedings, conduct informal interventions and mediations with recommendations for change;”.

23 (9) Paragraph (11) is amended to read as follows:

1 “(11) Develop and maintain a database that tracks complaints and concerns, and
2 the resolution of complaints and concerns, according to various categories, including school level
3 and location;”.

4 (10) Paragraph (12) is stricken.

5 (11) Paragraph (13) is amended to read as follows:

6 “(13) Identify systemic concerns related to public education and recommend to
7 the State Board of Education policy changes, staff training, and strategies to improve the delivery
8 of public education services;”.

9 (12) Paragraph (14) is stricken.

10 (13) Paragraph (15) is redesignated as paragraph (14) and amended to read as
11 follows:

12 “(14) Within 90 days after the end of each school year, submit to the State Board
13 of Education and make publicly available a report summarizing the office’s work during the
14 previous school year. The report shall include:

15 (A) An identification of patterns of complaints that suggest a need for a
16 policy change, for additional staff training, or the implementation of action to address an issue;
17 and

18 (B) An analysis of the types, and number, of:

19 (i) Complaints received;

20 (ii) Complaints resolved informally;

21 (iii) Complaints examined through formal process;

22 (iv) Examinations pending;

23 (v) Recommendations made; and

1 (vi) Recommendations that were followed, to the extent that it can
2 be determined.”.

3 (c) Section 605 (D.C. Official Code § 38-354) is amended as follows:

4 (1) Paragraph (1) is amended to read as follows:

5 “(1) When necessary to perform the duties prescribed in this act, have access to
6 books, records, files, reports, findings, and all other papers, items, or property, including
7 electronic records, belonging to or in use by all departments, agencies, instrumentalities, and
8 employees of local education agencies;”.

9 (2) Paragraph (5) is amended by striking the phrase “and concerns”.

10 (3) Paragraph (6) is amended by striking the phrase “Office of Ombudsman
11 absent a complaint” and inserting the phrase “Office of Ombudsman, whether initiated by a
12 complaint or another means”.

13 (d) Section 606 (D.C. Official Code § 38-355) is amended as follows:

14 (1) Paragraph (2) is amended by striking the phrase “and concerns”.

15 (2) Paragraph (4) is amended by striking the phrase “or” at the end of the
16 sentence.

17 (3) Paragraph (5) is amended to read as follows:

18 “(5) Examine the Executive Office of Mayor, the Council or its personnel, the
19 District of Columbia courts or its personnel, other elected officials, private schools, private
20 organizations or businesses; or”

21 (4) A new paragraph (6) is added to read as follows:

22 “(6) Provide legal advice or legal representation.”.

23 (e) A new section 607 is added to read as follows:

1 “Sec. 607. Complaint resolution services.

2 “(a) The Office of the Ombudsman shall provide complaint resolution services which
3 shall be available to students who are currently enrolled or eligible to be enrolled in elementary
4 or secondary public schools in the District of Columbia and parents or guardians of those
5 students.

6 “(b) Participation in confliction resolution services provided by the Office is voluntary.

7 “(c) Prior to submitting a complaint to the Office, the complainant must make reasonable
8 efforts to resolve the issue at the school level without the assistance of the Office.

9 “(d) Complainants may submit complaints by phone, in writing, or electronically.

10 “(e) The Office shall review and investigate each complaint and may do one or more of
11 the following:

12 “(1) Resolve the complaint;

13 “(2) Refer the complainant to another agency or department;

14 “(3) Require the complainant to submit documentation to support the complaint;

15 “(4) Provide an opportunity for the complainant to meet with the subject or
16 subjects of the complaint;

17 “(5) Conduct mediation proceedings; or

18 “(6) Take any other action authorized under this act.”

19

20 TITLE II. OFFICE OF THE STUDENT ADVOCATE

21 Sec. 201. Short title.

22 This title may be cited as the “Office of the Student Advocate Establishment Act of
23 2013”.

24 Sec. 202. Office of the Student Advocate; establishment.

1 (a) This act establishes within the State Board of Education (“State Board”) an Office of
2 the Student Advocate (“Office”), which shall be headed by a Chief Student Advocate (“Chief”)
3 appointed by the State Board.

4 (b) The Chief shall be a resident of the District of Columbia within 180 days of
5 appointment, and shall remain a resident for the duration of the appointment. The State Board
6 shall appoint the Chief to a term of five years and may reappoint the Chief to additional terms.
7 After notice and an opportunity to be heard, the Chief may be removed by a majority vote of the
8 State Board only for cause that relates to the Chief’s character or efficiency.

9 (c) If a vacancy in the position of Chief occurs as a consequence of resignation, removal,
10 disability, death, or reasons other than the expiration of the term, the State Board shall appoint a
11 Chief to fill the unexpired term within 75 days of the occurrence of the vacancy.

12 Sec. 203. Qualifications.

13 The Chief shall:

14 (a) Possess experience in outreach, advocacy, social work, or counseling; and

15 (b) Have management experience that demonstrates ability to hire and supervise qualified
16 staff.

17 Sec. 204. Duties.

18 The Office shall:

19 (1) Provide outreach to students, parents, and guardians regarding public
20 education in the District of Columbia;

21 (2) Support the education and achievement of all students enrolled in public
22 schools in the District of Columbia by supporting and advocating for students in interactions
23 with school personnel;

1 (3) Facilitate the school enrollment process for students enrolled in or eligible to
2 be enrolled in public schools in the District of Columbia by providing students, parents, and
3 guardians with information on school admission, choice, application, and enrollment processes;

4 (4) Help students, parents, and guardians access education resources offered by
5 the public schools;

6 (5) Operate a public education hotline to answer questions and provide
7 information about public education and to direct individuals to the appropriate agencies and
8 offices within the District;

9 (6) Operate Public Education Resource Centers (“PERCs”);

10 (7) If requested by students, parents, or guardians, serve as an advocate for
11 students in conflict resolution proceedings before the Office of the Ombudsman for Public
12 Education;

13 (8) Develop and maintain a database that tracks questions and concerns presented
14 to the Office, and the resolution of questions and concerns presented to the Office, according to
15 various categories, including school level and location;

16 (9) Recommend policy changes, staff training, and strategies to improve the
17 efficient and equitable delivery of public education services; and

18 (10) Within 90 days after the end of each school year, submit to the State Board
19 of Education, and make publicly available a report summarizing the work of the previous year.

20 The report shall include:

21 (A) An identification of patterns of complaints that suggest a need for a
22 policy change, for additional staff training, or the implementation of action to address an issue;
23 and

1 (B) An analysis of the types, and number, of:

2 (i) Inquiries, including those received through the hotline and at
3 the PERCs;

4 (ii) Questions and concerns resolved informally;

5 (iii) Questions and concerns examined; and

6 (iv) Students represented in conflict resolution proceedings before
7 the Office of the Ombudsman for Public Education.

8 Sec. 205. Public Education Resource Centers.

9 (a) The Office shall operate up to four PERCs throughout the District.

10 (b) The PERCs shall be staffed by Office personnel and, at the discretion of the Chief,
11 parent or guardian volunteers.

12 (c) At each PERC, office staff and, when applicable, parent or guardian volunteers, shall
13 advise students, parents, and guardians on the school choice process and provide them with
14 information on application, enrollment, student assignment, and programs, and on programs and
15 resources for English Language Learners and students with disabilities.

16
17 TITLE III. GENERAL PROVISIONS

18 Sec. 301. Fiscal impact statement.

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

22 Sec. 302. Effective date.

1 This act shall take effect following approval by the Mayor (or in the event of veto by the
2 mayor, action by the Council to override the veto), a 30-day period of Congressional review as
3 provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved December
4 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
5 Columbia Register.

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