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2 Councilmember Brianne K. Nadeau

Councilmember Charles Allen

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6 Councilmember Elissa Silverman

Councilmember Mary M. Cheh

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10 Councilmember Anita Bonds

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13 A BILL

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18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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23 To amend the District of Columbia School Reform Act of 1995 to provide that the
24 charter authority shall publish certain information about contracts in an
25 amount greater than \$25,000 awarded by public charter schools, to require
26 public charter schools to provide certain information in their required annual
27 report, to require that the Board of Trustees of a public charter school include
28 at least 2 teachers and, for high schools or adult education programs, one
29 student, to require public charter schools and Boards of Trustees of public
30 charter schools to comply with the Freedom of Information Act of 1976 and
31 the Open Meetings Act, and to require the Public Charter School Board to
32 deliver a report to the Council describing the number and cost of requests for
33 information made pursuant to the Freedom of Information Act of 1976; to
34 make conforming amendments to the Freedom of Information Act of 1976
35 and the Open Meetings Act; and to amend the Board of Ethics and Government
36 Accountability Establishment and Comprehensive Ethics Reform Amendment
37 Act of 2011 to require the Office of Open Government to provide training
38 regarding obligations of employees of public charter schools and members of the
39 Board of Trustees of a public charter school under the Freedom of Information
40 Act of 1976 and the Open Meetings Act.

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42 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

43 That this act may be cited as the “Public School Transparency Amendment Act of 2019”.

44 Sec. 2. The District of Columbia School Reform Act of 1995, approved April 26,

45 1996 (110 Stat. 1321; D.C Official Code § 38-1800.01), is amended as follows:

46 (a) Section 2204(c) (D.C. Official Code § 38-1802.04(c)) is amended as follows:

47 (1) Paragraph (1) is amended as follows:

48 (A) Subparagraph (A)(ii) is amended by striking the phrase “, any
49 employment contract for a staff member of a public charter school, or any management
50 contract entered into by a public charter school and the management company designated
51 in its charter or its petition for a revised charter” and inserting the phrase “or any
52 employment contract for a staff member of a public charter school” in its place.

53 (B) Subparagraph (B) is amended by adding a new sub-
54 subparagraph (iii) to read as follows:

55 “(iii) Within 10 days after a submission made pursuant to
56 sub-subparagraph (i) of this subparagraph, the eligible chartering authority shall make
57 public the submission.”.

58 (2) Paragraph (11)(B) is amended as follows:

59 (A) Sub-subparagraph (v) is amended by striking the phrase
60 “parental involvement” and inserting the phrase “parental involvement, including contact
61 information for the school’s parent association, if applicable” in its place.

62 (B) Sub-subparagraph (x) is amended by striking the phrase “;
63 and” and inserting a semicolon in its place.

64 (C) Sub-subparagraph (xi) is amended by striking the period and
65 inserting a semicolon in its place.

66 (D) New sub-subparagraphs (xii) and (xiii) are added to read
67 as follows:

68 “(xii) All employees’ names and current salaries; and
69 “(xiii) All contracts awarded by the public charter school,
70 including the value of the contract, name of the awardee, and a description of the product
71 or service provided.”.

72 (3) A new paragraph (23) is added to read as follows:

73 “(23) A public charter school, including its Board of Trustees, shall
74 comply with the provisions of the Freedom of Information Act of 1976, effective March
75 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*) and the Open Meetings
76 Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)”.

77 (b) Section 2205 (D.C. Official Code § 38-1802.05) is amended as follows:

78 (1) Subsection (a) is amended as follows:

79 (A) The lead-in language is amended by striking the phrase
80 “pursuant to the charter granted to the school” and inserting the phrase “pursuant to the
81 charter granted to the school; provided, that teachers on the Board of Trustees shall be
82 elected by a majority vote of all teachers employed at the school” in its place.

83 (B) Paragraph (1) is amended by striking the phrase “; and” and
84 inserting a semicolon in its place.

85 (C) Paragraph (2) is amended by striking the period and inserting a
86 semicolon in its place.

87 (D) New paragraphs (3) and (4) are added to read as follows:

88 “(3) At least 2 shall be teachers employed at the school; and

89 “(4) If the school includes students in grade 9 or higher, including adult
90 learners, at least one shall be a student attending the school.”.

91 (2) Subsection (b)(2) is amended by striking the phrase “a parent of a
92 student attending the school” and inserting the phrase “a parent of a student attending the
93 school, or a student attending the school” in its place.

94 (3) Subsection (c) is amended by striking the phrase “election or selection
95 of the members under subsection (a)(2) of this section shall occur” and inserting the
96 phrase “election or selection of the members under subsection (a)(2), (3), and (4) of this
97 section shall occur” in its place.

98 (4) New subsections (e) and (f) are added to read as follows:

99 “(e)(1) The Board of Trustees of a public charter school may adopt rules that
100 require members selected or elected pursuant to subsection (a)(4) of this section to recuse
101 themselves if:

102 “(A) The Board of Trustees has voted to close the meeting to the
103 public pursuant to section 405(b) of the Open Meetings Act, effective March 31, 2011
104 (D.C. Law 18-350; D.C. Official Code § 2-575(b)); and

105 “(B) The Board of Trustees is discussing a matter that is
106 determined to be sensitive pursuant to rules that the Board of Trustees has adopted
107 pursuant to this subsection.

108 “(2) The Board of Trustees of a public charter school shall make public
109 any rules adopted pursuant to this subsection.

110 “(f) For the purposes of this section, the term “teacher” means an employee of a
111 public charter school who is responsible for the instruction of students for at least 50% of
112 his or her required work hours.”.

113 (c) Section 2214 (D.C. Official Code § 38-1802.14) is amended as follows:

114 (1) Subsection (i) is amended by striking the period and inserting the
115 phrase “. The Board shall provide assistance to public charter schools, including a public
116 charter school’s Boards of Trustees, in complying with the Freedom of Information Act
117 of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*)”
118 in its place.

119 (2) A new subsection (k) is added to read as follows:

120 “(k) One year after the effective date of the Public School Transparency
121 Amendment Act of 2019, as introduced on March 19, 2019 (Bill 23-XXX), the Board
122 shall deliver to the Council a report describing:

123 “(1) The number of requests for information made to the Board and to
124 each public charter school pursuant to the Freedom of Information Act of 1976, effective
125 March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*); and

126 “(2) The cost to the Board and to each public charter school of responding
127 to the requests described in paragraph (1) of this subsection.”.

128 Sec. 3. The District of Columbia Administrative Procedure Act, approved October
129 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), is amended as follows:

130 (a) Section 209 (D.C. Official Code § 2-539(b)) is amended by adding a new
131 paragraph (3) to read as follows:

132 “(3) “Public body” includes public charter schools, including a public charter
133 school’s Boards of Trustees.”.

134 (b) Section 404(3) (D.C. Official Code § 2-574(3)) is amended as follows:

135 (1) The lead-in language is amended by striking the phrase “for such purpose.
136 The term” and inserting the phrase “for such purpose. The term “public body” includes

137 public charter schools, including a public charter school’s Boards of Trustees. The term”
138 in its place.

139 (2) Subparagraph (C) is repealed.

140 Sec. 4. Section 205c of the Board of Ethics and Government Accountability
141 Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective
142 April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.05c), is amended by
143 adding a new subsection (e) to read as follows:

144 “(e) At least twice per calendar year, the Office of Open Government shall provide
145 a training session, to which all public charter school employees, including a public
146 charter school’s Board of Trustees, shall be invited, that describes the obligations of
147 public charter school employees and members of the Board of Trustees of a public
148 charter school pursuant to the Freedom of Information Act of 1976, effective March 25,
149 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*) and the Open Meetings Act,
150 effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*)”.

151 Sec. 5. Fiscal impact statement.

152 The Council adopts the fiscal impact statement in the committee report as the fiscal
153 impact statement required by section 4a of the General Legislative Procedures Act of
154 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

155 Sec. 6. Effective date.

156 This act shall take effect following approval by the Mayor (or in the event of veto
157 by the Mayor, action by the Council to override the veto), a 30-day period of
158 congressional review as provided in section 602(c)(1) of the District of Columbia Home
159 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-

160 206.02(c)(1)), and publication in the District of Columbia Register.