GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-214
October 3, 2007

SUBJECT: Establishment of the State Board of Education's By-laws

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(6) and (11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code §§ 1-204.22(6) and (11) (2006 Repl.), and Title IV of the Public Education Reform Act of 2007, as amended, D.C. Law 17-9, effective June 12, 2007 ("the Act"), it is hereby **ORDERED** that: The State Board of Education of the District of Columbia issues its By-Laws.

BY-Laws of the State Board of Education of the District of Columbia

1.0 COMPOSITION AND AUTHORITY
2.0 OFFICERS OF THE BOARD
3.0 BOARD MEETING PROCEDURES
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8.0 OFFICIAL STATEMENTS
9.0 LEGAL MATTERS
10.0 FUNCTION AND ORGANIZATIONAL STRUCTURE
11.0 INTERPRETATION OF BY-LAWS, POLICIES AND PROCEDURES

ARTICLE I

1.0 COMPOSITION AND AUTHORITY

1.1 The composition and governance of the State Board of Education of the District of Columbia, ("State Board") the manner in which members are elected, qualification for holding the office as a member of the Board, and the term of office of members of the Board are established by the Act.

1.2 The authority and jurisdiction of the Board are set forth in the Act. In accordance with the Act, the Board advises and reviews for approval matters presented to the Board by the State Superintendent of Education ("State Superintendent").

1.3 The Board shall consider matters for policy approval upon submission of a request for policy action by the State Superintendent within a review period requested by the Office of the State Superintendent of Education ("OSSE").

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1.4 The State Superintendent shall act as the State Board's administrator with regard to matters presented to the State Board for advice and/or approval. The State Board shall provide the State Superintendent with advice and guidance in accordance with the Act.

1.5 The State Board shall exercise its authority through the official acts of its members taken while the State Board is in session, and when a quorum of the State Board is present.

1.6 The State Board of Education shall:

(1) Advise the State Superintendent on educational matters including:
(A) State standards;
(B) State policies, including those governing special, academic, vocational, charter, and other schools;
(C) State objectives; and
(D) State regulations proposed by the Mayor or the State Superintendent.

(2) Approve state academic standards, following a recommendation by the State Superintendent, ensuring that the standards recommended by the State Superintendent:

(A) Specify what children are expected to know and be able to do;
(B) Contain coherent and rigorous content;
(C) Encourage the teaching of advanced skills; and
(D) Are updated on a regular basis.

(3) Approve high school graduation requirements;

(4) Approve standards for high school equivalence credentials;

(5) Approve a state definition of:
(A) "Adequate yearly progress" that will be applied consistently to all local education agencies;
B) Standards for "highly qualified teachers" pursuant to the "No Child Left Behind Act of 2001, approved January 8, 2002 (115 Stat. 1425; 20 U.S.C. Section 6301 et seq.) ("NCLB Act"); and
(C) "Proficiency" that ensures an accurate measure of student achievement;

(6) Approve standards for accreditation and certification of teacher preparation programs of colleges and universities;

(7) Approve the state accountability plan for the District of Columbia developed by the chief state school officer, pursuant to the NCLB Act, ensuring that:
(A) The plan includes a single statewide accountability system that will ensure all local education agencies make adequate yearly progress; and accountability system that will ensure all local education agencies make adequate yearly progress; and

(B) The statewide accountability system included in the plan is based on academic standards, academic assessments, a standardized system of accountability across all local education agencies, and a system of sanctions and rewards that will be used to hold local education agencies accountable for student achievement;

(8) Approve state policies for parental involvement;

(9) Approve state policies for supplemental education service providers operating in the District to ensure that providers have a demonstrated record of effectiveness and offer services that promote challenging academic achievement standards and that improve student achievement;

(10) Approve the rules for residency verification;

(11) Approve the list of charter school accreditation organizations;

(12) Approve the categories and format of the annual report card, pursuant to the NCLB Act;

(13) Approve the list of private placement accreditation organizations, pursuant to the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998, effective March 26, 1999 (D.C. Law 12-201; D.C. Official Code Section 38-2901 et seq.);

(14) Approve state rules for enforcing school attendance requirements; and

(15) Approve state standards for home schooling.

1.7 The State Board shall receive citizen input with respect to issues properly before it.

1.8 Legal Counsel to the State Board is provided by the Attorney General's Office in the District of Columbia as described in further detail below.

1.9 The Office of the State Superintendent of Education shall provide staff support to the State Board of Education to enable it to perform its functions pursuant to the Act.

1.10 The official acts of the Board shall be recorded in the journal of proceedings of the Board which shall be maintained by the Office of the State Superintendent of Education.

1.11 The Board may appoint ad hoc committee(s) by majority consent of the Board, for a specified purpose with a specified expiration date. Ad hoc committees have no authority to take any official Board action, and shall be conducted in accordance with the procedures noted below.

1.12 The Board shall not be bound in any way by an action or statement of an individual member or group of Board members, except when the action or statement is authorized by an official act of the Board.

ARTICLE II

2. 0 OFFICERS OF THE BOARD

2.1 President. The State Board of Education is headed by a President, in accordance with the Act. The President shall serve in a general management role over the affairs of the State Board, shall conduct all meetings of the State Board as the "chair", and shall perform all duties of the President provided for by the Act. The chair may make motions, second motions, participate in discussion, and vote on all matters at meetings of the State Board.

2.2. Election of the State Board President. Beginning in January 2009 and continuing thereafter, the State Board will select from among its 9 members a President. The President shall serve until their successors are elected in accordance with this section. Beginning in January 2009 and thereafter, the annual election of the President of the State Board shall be the first order of business on the agenda at the first official regular or special meeting held after members are elected in a general election in accordance with the Act or at the first meeting following the regular meeting in January in a year when no positions on the State Board are filled in a general election. In January 2009 and thereafter, the election of the President shall be carried out as follows:

(1) The President shall be elected by a majority of the full State Board. The meeting to elect the President shall be called to order by the State Board Member with the greatest seniority as a member of the Board.

(2) Nominations for the President may be made by any member of the State Board. No second shall be required.

2.3 Other Officers. The Board shall annually elect from among its members a Vice President who shall serve until their successors are elected in accordance with this section.

2.4 The annual election of the Vice President of the Board shall be the second order of business on the agenda at the first official regular or special meeting held after members are elected in a general election in accordance with the Act or at the first meeting following the regular meeting in January in a year when no positions on the Board are filled in a general election or by Mayoral appointment.

The Vice President shall be elected by a majority of the full State Board. The meeting to elect the Vice President shall be called to order by the President.

Nominations for the Vice President may be made by any member of the State Board. No second shall be required.

In the absence of the President from any meeting of the State Board, the Vice President shall serve as President pro tempore to conduct the meeting in the absence of the Chair.

In the absence of the President and Vice President from an official regular of special meeting of the State Board, the Chair will fall to the member of the State Board with the greatest seniority.

2.5 Vacancies. Whenever a vacancy occurs in the membership of the State Board, the vacancy shall be filled in accordance with the Act, and any other applicable law in the District of Columbia.

Whenever a State Board officer is selected for the office of President, or when the office of President or Vice President becomes vacant for any reason, the State Board shall hold a special election, at the next regular meeting of the State Board, to fill the vacant office. A vacant officer position shall be filled by a majority vote of the full State Board.

ARTICLE III

3.0 BOARD OFFICIAL MEETING PROCEDURES

3.1 Official Meetings. Official meetings are the monthly meeting of the State Board pursuant to the Act or any meeting in which the approval function of the State Board is exercised.

3.2 Place of Official Meetings. The Board may hold its meetings in the "Old Council Chambers" at 441 4th Street, NW or at such a place within the community as may be determined by the State Board.

3.3 Time of Official Meetings. The State Board shall conduct a monthly meeting at a time designated by the State Board, as required to conduct official business. Additional meetings of the Board shall be considered "Special Meetings".

3.4 Open Official Meetings. All official meetings of the State Board at which official action of any kind is taken shall be open to the public. Such public meetings shall be held at a place accessible to the public.

3.5 Public Notice. The OSSE shall give public notice of meetings of the State Board in the manner that follows:

(1) Public notice shall be given at least five (5) days prior to the time of the meeting, showing the date, time and place thereof. Public notice shall consist of:

(A) Publication of the Board's meeting time and location in the District of Columbia Register; or

(B) Posting the Board's meeting schedule at the principal office of the Board; or

(C) Posting of the State boards meeting time and location on the website of the Office of the State Superintendent of Education.

3.6 Agenda. Items requiring official action in accordance with the Act will be placed on the agenda by the State Superintendent or an individual designated by the State Superintendent. The agenda will be developed in cooperation with the President of the State Board.

3.7 Participation. A quorum of the State Board shall convene for an official or special meeting within seven (7) days of a request for action by the State Superintendent unless otherwise specified in the request for action pursuant to the Act.

Unless otherwise specifically provided by consent of the State Board members present at a meeting, or by any provision of applicable law, only the following parties may address the State Board and participate in State Board meetings:

(1) Members of the State Board;

(2) The State Superintendent or his or her designee; and

(3) Interested parties recognized by the President. Interested parties will be provided time to appear before the State Board at open meetings to address the State Board on issues on the State Board's agenda or other issues pending before the State Board in accordance with the following procedures:

(A) The State Board will provide a designated period of time for public comment at each official meeting; and
(B) Individuals wishing to provide comment at an official meeting shall provide notice of their intent to participate at least twenty-four (24) hours prior to the date of the official meeting.

3.8 Voting. Motions and approval or advisory resolutions will be passed upon a majority of members having voted in the affirmative. In the event of a tie vote, the resolution will fail. Votes shall be recorded for the official record.

3.9 Record of Meetings. Meetings will be recorded, with either hard or electronic copies of recordings maintained as part of the State Board's permanent records. Copies recorded shall be kept for all public meetings and shall be made available to the public for inspection during normal business hours. Such copies shall be available, upon request, to the public at a reasonable cost.

3.10 Written documents. Written documents presented at a meeting or written documents provided to the State Board prior to a meeting, may be acted upon and inserted into the record without reading the material into the record at the discretion of the President, or person conducting the meeting on behalf of the President. The Office of the State Superintendent will have a copy of the written statement available at the meeting.

3.11 Computing Time Periods. In computing the number of days during any period for purposes of the By-Laws, such period shall be computed so as to exclude the first day and include the last day of such period. All days shall be counted, including Saturdays, Sundays, or any day designated as a legal holiday (a "Holiday"); provided, however, that if the final day of any time period falls on a Saturday, Sunday or Holiday, then the final day shall be deemed to be the next day which is not a Saturday, Sunday or Holiday. In computing the number of days for the purpose of giving notice of any public meeting, the date upon which the notice is given shall not be counted but the day set for the meeting shall be counted.

3.12 Parliamentary Authority. *Roberts' Rules of Order, Newly Revised*, shall be used as a guide to govern the conduct of business at meetings of the State Board, and any committee authorized by the State Board in all cases in which they are applicable and not in conflict with these By-laws.

3.13 Quorum. A majority of members of the State Board present at a meeting shall constitute a quorum for the purpose of transacting business at any State Board meeting.

ARTICLE IV

4.0 SPECIAL MEETINGS OF THE STATE BOARD

4.1 Special Meeting. The State Superintendent may call special meetings of the State Board not less than forty-eight (48) hours prior to the meeting. The President of the State Board may call a special meeting of the State Board by informing the State Superintendent in writing of the purpose of the special meeting not less than forty-eight (48) hours prior to the meeting. Any four (4) members of the State Board may call a special meeting of the State Board by informing the State Superintendent in writing of the purpose of the special meeting not less than forty-eight (48) hours prior to the meeting.

4.2 Notice. Upon written receipt of the call for a special meeting the Office of the State Superintendent shall inform the members of the State Board of the time, place and purpose of the special meeting. The Office of the State Superintendent shall give notice of the special meeting to the public by informing the press and media of the time, place, and purpose of the meeting, including the topic of discussion in any executive session to be closed to the public.

4.3. Agenda. Matters for policy approval shall be subject to a special meeting agenda at the request of the State Superintendent pursuant to the Act. The agenda of the special meeting shall include only those items set forth in the notice of the purpose of the meeting. Items not on the agenda may be added for information, or referral under a waiver of the rules.

ARTICLE V

5.0 AD HOC COMMITTEES

5.1 Ad Hoc Committee. The President may designate Ad Hoc Committee(s) for specific purpose. All Ad Hoc Committees shall be created with an expressed date of expiration.

5.2 Authority. No Ad Hoc Committee is authorized to take any form of official action on behalf of the Board.

5.3 Ex Officio member. The President and State Superintendent or OSSE designee(s) shall be an ex Officio member of every such committee.

5.4 Open Meetings. An Ad hoc Committee shall conduct its proceedings in public, unless closed for executive session in accordance with the Open Meeting Procedures of State Board Meetings cited above. Any member of the State Board may attend an ad hoc committee executive session.

5.5 Notice. The Office of the State Superintendent, shall give notice of an Ad Hoc Committee meeting to the public pursuant to public notification requirements previously cited above and members of the State Board, seven (7) days prior to a meeting, including the topic of discussion in any executive session to be closed to the public.

5.6. Agenda. The agenda of an Ad Hoc Committee meeting shall include only those items set forth in the public notice of the meeting. Items not on the agenda may be added for information, referral, or action under a waiver of the rules.

ARTICLE VI

6.0 RECORDS

6.1 Books and Records. Except as otherwise provided for by resolution or as the business of the State Board may require, all books and records of the State Board shall be kept at the principal office.

ARTICLE VII

7.0 ETHICS

Members of the State Board shall pledge to conduct themselves and maintain an organization with the highest ethical standards and shall:

(1) Conduct themselves to achieve and deliver the functions of the State Board in accordance of the Act;

(2) Participate actively in the work of the State Board;

(3) Respect the viewpoints and opinions of other State Board members;

(4) Support the leadership of the State Board;

(5) Make official statements on behalf of the State Board only when authorized by the State Board to do so;

(6) State clearly in any public conversation, when one is speaking as an individual or on behalf of the State Board;

(7) Refrain from using State Board membership as a basis for obtaining personal benefit or privilege for themselves or others; and

(8) Refrain from taking any action that would result in a conflict of interest or the appearance of a conflict of interest.

ARTICLE VIII

8.0 OFFICIAL STATEMENTS

8.1 Official Statements. The President or his or her designee shall make all formal statements in the name of the State Board. The President shall speak, write and act on behalf of the State Board on the issues consistent with the functions, objectives and purposes of the State Board.

ARTICLE IX

9.0 LEGAL MATTERS

9.1 Representation. The Office of the Attorney General for the District of Columbia ("OAG") shall be responsible for the conduct and administration of legal matters on behalf of the State Board.

9.2 Legal Matters. For purposes of this Article, legal matters shall include but are not necessarily limited to:

(1) Adverse action and proceedings brought on behalf of or against the State Board pursuant to any matter involving the State Board arising under the Act, or any other laws;
(2) The provision of witnesses, documents and other support materials in connection with any litigation in with the State Board is involved including a response to a subpoena;

(3) Representation of the State Board in any administrative hearings before any agencies of the District of Columbia, including but not limited to labor practice proceedings, equal employment opportunity hearings, and any actions under any other laws or regulations;
(4) Any other legal matter specifically designated by the Act to the State Board.

ARTICLE X

10.0 FUNCTION AND ORGANIZATIONAL STRUCTURE

10.1 Function. The function of the State Board is to advise the State Superintendent on educational matters with regard to policies, objectives and regulations proposed by the Mayor and State Superintendent and to approve the items specified in section 403 of the Act, as amended from time to time hereafter, or by authority of the Mayor as provided by the Act.

10.2. Organization, Funding and Structure. The Board's organization, structure, staff, budget, operations, reimbursement of expenses policy, and other matters affecting the Board's function shall be determined in accordance with these By-Laws, which may be amended, revised or repealed by the Mayor, through such other Orders issued by the Mayor.

ARTICLE XI

11.0 INTERPRETATION OF BY-LAWS, POLICIES AND PROCEDURES

11.1 Interpretation. All words, terms and provisions of the By-Laws, Orders, and any policies and procedures shall be interpreted and defined by and in accordance with the Act, and all other applicable laws, as amended from time to time hereafter.

EFFECTIVE DATE:

This Order shall become effective immediately and shall supersede all prior inconsistent Orders.

ADRIAN M. FENTY
MAYOR

ATTEST: _____
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

Legal Counsel Division

MEMORANDUM

TO: Monica Brown
General Counsel
Office of the State Superintendent of Education

FROM: Wayne C. Witkowski W. Witkowski by R. Goff
Deputy Attorney General
Legal Counsel Division

DATE: September 20, 2007

SUBJECT: Legal Sufficiency Review of Draft Mayor's Order Providing the By-Laws for the State Board of Education (AM-07-639)

This responds to your e-mail of today by which you submitted the above-referenced Mayor's Order (Order), providing the by-laws for the State Board of Education, to this Office for a legal sufficiency review.

The Order is authorized by section 422 (6) of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, D.C. Official Code § 1-204.22 (6) (2006 Repl.), and by section 403 (d) of the Public Education Reform Act of 2007, effective June 12, 2007, D.C. Law 17-9, 54 DCR 4099.

This Office has made editorial revisions to the Order for clarity. As revised, the Order is legally sufficient. I will forward an electronic mark-up of the Order to you by e-mail.

The Order has been forwarded to the Office of Documents and Administrative Issuances (ODAI) for a format review. ODAI should forward the Order directly to you, after its review.

Should you have questions regarding this memorandum, please contact either Pollie H. Goff, Senior Assistant Attorney General, Legal Counsel Division, at 724-5558, or me at 724-5524.

WCW/phg

Attachment

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