

COUNCIL OF THE DISTRICT OF COLUMBIA

**RULES OF ORGANIZATION AND
PROCEDURE FOR THE
COMMITTEE ON EDUCATION**

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COUNCIL PERIOD 23**

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ARTICLE I - DEFINITIONS

Sec. 101. DEFINITIONS

Except as otherwise provided, the definitions contained in section 101 of the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, are incorporated by reference.

In addition, for the purposes of the Committee Rules, the term:

- (1) "Chairperson" means the Chairperson of the Committee on Education.
- (2) "Committee" means the Committee on Education.
- (3) "Committee Rules" means the Rules of Organization and Procedure for the Committee on Education for Council Period 23.
- (4) "Council Rules" means the Rules of Organization and Procedure for the Council of the District of Columbia for Council Period 23.
- (5) "Member" means a member of the Committee on Education.
- (6) "Quorum" means 3 members of the Committee, except as otherwise provided by these Committee Rules.
- (7) "Testify" means to provide an oral or written statement for the record.
- (8) "Witness" means a person who shall appear or is appearing before the Committee whether voluntarily or by mandatory process.

ARTICLE II - RESPONSIBILITIES OF THE COMMITTEE

Sec. 201. MATTERS UNDER THE PURVIEW OF THE COMMITTEE

The Committee is responsible for all matters related to public education, including authorizing public charter schools, but not including matters exclusively within the University of the District of Columbia or the Community College of the District of Columbia; truancy (jointly with the Committee of the Whole); and public libraries.

Sec. 202. AGENCIES UNDER THE PURVIEW OF THE COMMITTEE

The following agencies and entities come within the purview of the Committee on Education:

- Advisory Committee on Community Use of Public Space
- Bullying Prevention Task Force
- Commission on Out of School Time Grants and Youth Outcomes
- Common Lottery Board
- Community Schools Advisory Committee
- District of Columbia Educational Opportunity for Military Children State Council
- District of Columbia Public Charter School Board
- District of Columbia Public Library System
- District of Columbia Public Library Trust Fund
- District of Columbia Public Schools
- District of Columbia State Athletics Commission
- Education Licensure Commission
- Healthy Youth and Schools Commission
- Higher Education Licensure Commission
- Interagency Coordinating Council
- Office of the Deputy Mayor for Education
- Office of the Ombudsman for Public Education
- Office of the State Superintendent of Education (including Advisory Panel on Special Education, Early Childhood Development Coordinating Council)
- Office of the Student Advocate
- Office of Out of School Time Grants and Youth Outcomes
- Our Schools Leadership Committee
- Public Charter School Credit Enhancement Fund Committee
- State Board of Education

ARTICLE III - ORGANIZATION

Sec. 301. CHAIRPERSON

The Chairperson shall be the presiding officer of the Committee. The Chairperson may designate a member to act as temporary Chairperson when the Chairperson is absent or recuses himself from certain items before the Committee.

Sec. 302. COMMITTEE STAFF

The Chairperson shall assign, remove, and determine the remuneration of the staff of the Committee subject to appropriations and positions allocated by the Council, pursuant to section 406 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Official Code § 1-604.06).

ARTICLE IV - COMMITTEE MEETINGS

Sec. 401. REGULAR MEETINGS

- (a) TIME. Regular meetings of the Committee shall be held at 3:00 p.m. on the second Tuesday of each month except during periods of Council Recess and legal holidays. The Chairperson shall circulate a notice of the date, hour, and place of all Committee meetings to all members of the Council at least 24 hours before the date of the meeting, along with a copy of the agenda of the meeting and a draft of any measures to be considered, unless at least 4 members of the Committee agree to a shorter notice.
- (b) PLACE. Regular meetings of the Committee shall be held in Room 123 of the Wilson Building, 1350 Pennsylvania Avenue, N.W., unless another place is designated by the Chairperson.
- (c) RECESS AND RESCHEDULING. The Chairperson may recess any regular meeting then in progress to another time, day, and place. The Chairperson may reschedule any future regular meeting provided that each member and the Secretary to the Council is notified at least 24 hours in advance of the scheduled meeting.
- (d) CANCELLATION. The Chairperson may cancel a regularly scheduled meeting. To cancel a regularly scheduled meeting, the Chairperson shall provide at least 24 hours' notice of the cancellation to each Councilmember and the Secretary to the Council unless the circumstances necessitating the cancellation preclude the provision of such notice. If the circumstances preclude the provision of the notice 24 hours prior to the regularly scheduled meeting, the Chairperson shall provide notice of the cancellation to each Councilmember and the Secretary to the Council at the earliest possible time prior to the regularly scheduled meeting, but no later than 2 hours prior to the regularly scheduled meeting.
- (e) AGENDA. The agenda and material relating to the agenda items shall be available to the members 24 hours prior to the meeting of the Committee. The Committee staff shall prepare the agenda at the direction of the Chairperson. The Chairperson shall set the agenda for all meetings, except special meetings called by a majority of the members.

Sec. 402. SPECIAL AND ADDITIONAL MEETINGS

(a) SPECIAL MEETINGS

- (1) Special meetings may be called by filing a written request with the Committee Director for a special meeting signed by no fewer than 3 members. The Committee

Director shall notify the Chairperson and the other members of the filing of the request.

- (2) The Chairperson shall call the special meeting within 72 hours of the written request and shall specify the date, hour, place, and agenda of the meeting.
- (3) If the Chairperson does not call the requested meeting, a majority of the members may file a written notice with the Committee Director that a special meeting will be held, specifying the date, hour, place, and agenda for the meeting. Immediately upon the filing of the notice, the Committee staff shall notify all members of the Committee as provided for in section 402(c).

(b) ADDITIONAL MEETINGS

- (1) The Chairperson may call additional meetings.
- (2) The Chairperson may cancel a scheduled additional meeting. To cancel a scheduled additional meeting, the Chairperson shall provide at least 12 hours notice of the cancellation to each Councilmember and the Secretary to the Council unless the circumstances necessitating the cancellation preclude the provision of such notice. If the circumstances preclude the provision of the notice 12 hours prior to the scheduled additional meeting, the Chairperson shall provide notice of the cancellation to each Councilmember and the Secretary to the Council at the earliest possible time prior to the scheduled additional meeting, but no later than 2 hours prior to the scheduled additional meeting.

(c) NOTICE

- (1) Whenever an additional or special meeting is called, the Committee staff shall notify all members at least 24 hours before the special meeting, unless at least 4 Committee members agree to a shorter notice. The notice shall state the date, hour, place, and purpose of the meeting.
- (2) No matters shall be considered at any special meeting except those stated in the written request and notification.
- (3) Any material relating to the agenda items shall be made available to the Committee members by the close of business of the working day prior to the meeting.
- (4) Additional or special meetings to consider emergency matters may be called upon shorter notice, if this shorter notice is agreed upon in writing by at least 4 of the Committee members.

Sec. 403. QUORUM

- (a) QUORUM. A majority of the Committee members shall constitute a quorum for the lawful convening of any Committee meeting and for the transaction of business; provided, that one member of the Committee constitutes a quorum for the taking of oral testimony and receiving of evidence at a committee meeting.
- (b) CHAIRMAN AS EX OFFICIO. The Chairman of the Council shall be an *ex officio*, voting member of the Committee and may be counted for the purposes of a quorum, but shall not increase the quorum requirement for the Committee.

Sec. 404. PROCEDURES FOR MEETINGS

- (a) ORDER OF BUSINESS FOR REGULAR MEETINGS. Subject to subsection (c), the Committee shall conduct business for regular meetings in the following order:
 - (1) Call to order;
 - (2) Ascertainment of the presence of a quorum by the Chairperson;
 - (3) Consideration of proposed reports on and markup of pending measures assigned to the Committee under section 405 of the Council Rules;
 - (4) Old business;
 - (5) New business; and
 - (6) Adjournment.
- (b) ORDER OF BUSINESS FOR SPECIAL AND ADDITIONAL MEETINGS. The Committee shall take up business in the following order at a special or additional meeting:
 - (1) Call to order at the date, hour, and place set forth in the notice of the meeting;
 - (2) Ascertainment of the presence of a quorum by the Chairperson; and
 - (3) If a quorum is present, consideration of business in the order set forth in the meeting notice.
- (c) PROCEEDING OUT OF ORDER. The Chairperson or presiding member may, without objection or upon the vote of a majority of the members present and voting, take up any item of business out of order.
- (d) RECOGNITION OF NON-COMMITTEE MEMBERS. The Chairperson or presiding

member may recognize a member of the public or a District government employee when the participation of the person would, in the judgment of the Chairperson or presiding member, enhance the understanding of the matter under consideration by the Committee

ARTICLE V - REVIEW OF AND REPORTS ON PROPOSED LEGISLATION

Sec. 501. APPROVAL OF MEASURES

The Committee may not report out a measure or recommendation on a matter assigned to the Committee unless a quorum is present at the time of approval and the measure or recommendation is approved by a majority of the members present and voting. If an amendment is orally moved during a Committee meeting, it shall, upon request by a member, be reduced to writing and read by the Committee staff and made available for public inspection as soon as practicable. At the discretion of the Committee Chair, a fiscal impact statement issued by the Chief Financial Officer shall be made available by the member offering the oral or written amendment to the Committee.

Sec. 502. REPORTS ON BILLS AND PROPOSED RESOLUTIONS

- (a) **DRAFT REPORTS.** Each bill or proposed resolution shall be accompanied by a draft report when the Committee considers it, unless the Committee votes to waive this requirement for a particular bill or proposed resolution. In the event of a waiver, the Committee shall vote on the draft report at a regularly scheduled, additional, or special meeting of the Committee before filing the report and the reported bill or proposed resolution with the Secretary.
- (b) **CONTENTS OF THE REPORTS.** Each adopted report on a bill or proposed resolution assigned to the Committee shall be in writing, signed by the Chairperson, accompanied by the final bill or proposed resolution, and shall meet all requirements of section 803 of the Council Rules.
- (c) **DATE OF REPORT.** The date of the committee markup shall be the date of the report.

Sec. 503. SUPPLEMENTAL, MINORITY, AND ADDITIONAL VIEWS

If, at the time of approval of any measure by the Committee, any Committee member gives notice of intent to file supplemental, minority, or additional views, that member shall have 5 days (excluding Saturdays, Sundays, and legal holidays) in which to file his or her views in writing. Such views shall be filed with the Committee Director and shall be included in the report of the Committee on that measure.

ARTICLE VI - HEARINGS AND INVESTIGATIONS

Sec. 601. HEARING REQUIREMENTS

- (a) The Committee shall hold a hearing before passage of any bill. A hearing shall not be required where a hearing on the same or a similar bill was held in the immediately preceding Council Period.
- (b) The Committee may hold a hearing or roundtable before the passage of a proposed resolution if called by the Chairperson.
- (c) The Committee shall hold a hearing when required by law and the Committee may hold a hearing on any matter relating to the affairs of the District that is properly within the Committee's jurisdiction as provided for in section 233 of the Council Rules.
- (d) Unless a hearing is required by law or regulation, the Committee may hold a roundtable on any matter relating to the affairs of the District that is properly within the Committee's jurisdiction as provided for in section 233 of the Council Rules.

Sec. 602. HEARING MATERIALS

- (a) Notice of Committee hearings shall be given in the manner provided for in section 421 of the Council Rules. In addition, the Committee shall circulate to all members of the Council, at least 24 hours before the date of the hearing, copies of the following:
 - (1) Notice of the hearing, including date, time, and place of the hearing;
 - (2) A draft witness list;
 - (3) If the hearing is on a bill or resolution, a copy of the bill or resolution being considered;
 - (4) If available, copies of government or executive witness testimony received prior to the hearing; and
 - (5) Any additional information that the Chairperson directs to be included.
- (b) For the purposes of this section, the term "hearing" includes roundtables held by the Committee.

Sec. 603. PROCEDURES

- (a) OPEN HEARING. Each hearing or roundtable shall be open to the public unless a majority of the Committee decides in open session or publicly agrees that the hearing should be closed.
- (b) QUORUM. One member of the Committee constitutes a quorum for the taking of oral testimony and receiving of evidence at a hearing or roundtable.
- (c) QUESTIONING OF WITNESSES
 - (1) Each member and participating non-Committee member shall have a maximum of 10 minutes to question each witness until each member or participating non-Committee member has had an opportunity to question the witness. The Committee Chair shall have the discretion to allow for an additional round, or rounds, of questioning and shall determine the length of each round.
 - (2) Questioning shall proceed in the order that Committee members arrived, followed by non-Committee members.
 - (3) A witness may be questioned, with the consent of the Chairperson or presiding member, by Committee staff or authorized Council staff or by counsel advising the Committee.
- (d) DECORUM
 - (1) No witness may address a member except through the Chairperson or presiding member, except when responding to a direct question of a member.
 - (2) A witness shall confine his or her remarks to the question under discussion and shall avoid making negative personal comments.
 - (3) The Chairperson or presiding member shall maintain order during the hearing or roundtable and if, in his or her opinion, the removal of any member of the public is necessary to maintain order, the Chairperson or presiding member may, after warning, order the removal of any disorderly person.
- (e) RECESS. The Chairperson or any presiding member may recess a hearing or roundtable and reconvene at a future time, day, and place.
- (f) THE RECORD
 - (1) Committee staff shall be responsible for keeping one set of all written testimony (including comments received prior to the record being closed) in unmarked condition. This set shall be filed with the Secretary to the Council as the hearing record.

(2) The Chairperson may request documents from a witness to further develop the record after a hearing or roundtable.

(g) For the purposes of this section, the term "hearing" includes roundtables held by the Committee.

Sec. 604. RIGHTS OF WITNESSES

(a) **RIGHT TO COUNSEL.** Any witness who appears before the Committee has the right to be represented by counsel.

(b) **RIGHT TO AN OPENING STATEMENT.** The right to provide oral testimony shall be at the discretion of the Chairperson or presiding member. Any witness who provides oral testimony at a hearing or roundtable of the Committee may submit a written statement that shall be placed in the record of the hearing. The Chairperson or presiding member may permit a witness to read the statement at the hearing or roundtable, subject to time limitations as imposed by the Chairperson or presiding member.

(1) A witness appearing on his or her own behalf shall be afforded at least 3 minutes to make an opening statement.

(2) A witness appearing on behalf of a bona fide organization shall be afforded at least 5 minutes to make an opening statement.

(3) A witness representing the executive branch of the District of Columbia government shall be afforded 10 minutes to make an opening statement.

(4) The Chairperson or presiding member may afford more or less time to a witness in the interest of efficiency, fairness, or sound administration of the hearing.

Sec. 605. TESTIMONY UNDER OATH

A witness may be asked to affirm or swear to give truthful testimony.

Sec. 606. DEPOSITIONS

The Committee may authorize a Committee member, Committee staff, or counsel advising the Committee to take the testimony of witnesses by oral or written deposition.

Sec. 607. INVESTIGATIONS

The Committee may investigate any matter relating to the affairs of the District of Columbia that comes under the jurisdiction of the Committee. The Committee may also direct another person to investigate a matter within the Committee's jurisdiction.

Sec. 608. ISSUANCE OF SUBPOENAS

Subject to Council Rules, the Committee may require the attendance and testimony of witnesses and the production of documents, papers, and other tangible items through the use of its subpoena power. If a subpoena is issued and the person named on the subpoena does not respond, the Committee may, by resolution, refer the matter to the Council for referral to the Superior Court of the District of Columbia.

Sec. 609. REPORT TO SECRETARY REGARDING USE OF SUBPOENA

Prior to issuing a subpoena, the Committee shall submit a report to the Secretary to the Council outlining the nature and scope of the investigation and the type of information sought through the use of subpoena.

Sec. 610. SERVICE OF SUBPOENAS

Subpoenas shall be served personally on the witness or his or her designated agent in one of the following ways, which may be attempted concurrently or successively:

- (a) By a special process server, at least 18 years of age, designated by the Committee from among the staff appointed by the Secretary to the Council who are not directly involved in the investigation; or
- (b) By a special process server, at least 18 years of age, engaged by the Committee or the Council for this purpose.

Sec. 611. ENFORCEMENT OF SUBPOENAS

The Committee may refer to the Council any case of contumacy by any person subpoenaed to appear before the Committee.

Sec. 612. RIGHT TO ASSERT PRIVILEGES

- (a) Any witness has the right to refuse to answer any question which might tend to incriminate him or her by claiming his or her Fifth Amendment privilege against self-incrimination, other Constitutional privileges, or statutory or common law privileges recognized in the Superior Court of the District of Columbia.
- (b) If a witness asserts a privilege, the Chairperson or presiding member shall inquire into

the witness's reasons for claiming the privilege. If the Chairperson or presiding member determines that the claim of privilege is not warranted, he or she shall direct the witness to answer the question. A witness's continued claim of privilege in the face of an order by the Chairperson or presiding member to answer a specific question constitutes contumacy by the witness.

Sec. 613. NOTIFICATION OF RIGHTS

Where counsel does not represent a witness under subpoena, the Chairperson or presiding member shall advise the witness of his or her privilege against self-incrimination.

Sec. 614. RIGHT TO TRANSCRIPT

A witness under subpoena is entitled to receive, at the cost of producing it, a written transcript or a transcription of his or her testimony in connection with an investigation.

Sec. 615. RIGHTS OF PERSONS WHO ARE SUBJECTS OF INVESTIGATIONS

Any person who is the subject of an investigation authorized under section 601 of the Council Rules may submit written questions for the cross-examination of other witnesses at public hearings held by the Committee. With the consent of the members present and voting, those questions may be put to the witness by any member, by any authorized staff member, or by counsel advising the Council or the Committee.

Sec. 616. RIGHTS OF PERSONS IDENTIFIED IN INVESTIGATIONS

Any person, who is named or specifically identified in connection with an investigation and who believes that the testimony or other evidence or comment by a member of the Council or a Committee or its staff does not comport with the truth, may file a sworn statement of facts relevant to the testimony or other evidence or comment that is at issue.

ARTICLE VII - NOTICE PROVISION

Sec. 701. NOTICE

If there is no specific requirement for the giving of notice of any Committee action, meeting, or hearing, notice may be given by one of the following methods:

- (a) E-mail or other electronic communication method;
- (b) Posting on the Council of the District of Columbia website;
- (c) Posting notice in a prominent place in the Wilson Building, 1350 Pennsylvania Ave., N.W., and other public buildings or public posting places;
- (d) Publication in one or more newspapers of general circulation;
- (e) Publication in the District of Columbia Register; or
- (f) Any other manner the Committee considers appropriate.

ARTICLE VIII – RULES

Sec. 801. RULES OF THE COUNCIL

All of the Council rules are and shall be considered rules of the Committee, but except where the context dictates to the contrary the term "Council" means "Committee," the term "Member" or "Member of the Council" means "Member of the Committee," the term "Chairperson" means "Chairperson of the Committee," and the term "Secretary" means "Committee Staff Director or other Committee staff".

Whenever there is inconsistency between the Committee Rules and the Council Rules, the Council Rules shall govern.

Sec. 802. AMENDMENT

These rules may be amended by a majority of the Committee at any Committee meeting. Notice of the proposed amendment shall be in writing, signed by the proposer, and circulated to each member at least 5 days prior to the meeting at which the proposed amendment is to be considered, unless the notice is waived by each member to whom notice is not given.

Sec. 803. FILING WITH THE COUNCIL

Upon the adoption of these rules or any future amendments, the Committee staff shall file a copy of the final rules or amendments with the Secretary to the Council.

Sec. 804. EFFECTIVE PERIOD

These rules will be effective until superseded by Rules of Organization and Procedure for the Committee on Education adopted in a succeeding Council Period, unless modified by a majority of the Committee members during Council Period 23.