

Chairman Phil Mendelson
at the Request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the State Education Office Establishment Act of 2000 to exempt individual educator evaluation data from public disclosure and to amend the District of Columbia Administrative Procedure Act to exempt the educator evaluation data from public disclosure.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this bill may be cited as "Educator Evaluation Data Protection Emergency Amendment Act of 2015".

Sec. 2. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended by adding a new paragraph 7g to read as follows:

"Sec. 7g. Educator evaluations

"(a) Individual educator evaluations and effectiveness ratings, observation, and value-added data collected or maintained by OSSE are not public records and shall not be subject to disclosure pursuant to section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

"(b) Nothing in this section shall prohibit OSSE from:

"(1) Using educator evaluations or effectiveness ratings to fulfill existing requirements of a State educational agency under applicable federal or local law; or

1 "(2) Publicly disclosing aggregate reports and analyses regarding the results of
2 educator evaluation data.

3 "(c) For the purposes of this section, the term "Educator" means a principal, assistant
4 principal, school teacher, assistant teacher, or a paraprofessional.”.

5 Sec. 3. Conforming amendment.

6 Section 204(a) of the District of Columbia Administrative Procedure Act, effective
7 March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended as follows:

8 (1) Paragraph (14) is amended by striking the word "and" at the end.

9 (2) Paragraph (15) is amended by striking the period and inserting the phrase "; and" in
10 its place.

11 (3) A new paragraph (16) is added to read as follows:

12 "(16) Information exempt from disclosure pursuant to section 7g of the “Educator
13 Evaluation Data Protection Temporary Amendment Act of 2015,” introduced on February 25,
14 2015.”.

15 Sec. 4. Fiscal impact statement.

16 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
17 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
18 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

19 Sec. 5. Effective date.

20 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
21 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
22 than 90 days, as provided for emergency acts of the Council of the District of Columbia in

- 1 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
- 2 Stat. 788; D.C. Official Code § 1-204.12(a)).