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2 Councilmember Charles Allen


Councilmember Janeese Lewis George

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8 A PROPOSED RESOLUTION

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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To declare the existence of an emergency with respect to the need to amend the State Board of
19 Education Establishment Act of 2007 to permit employees of the District of Columbia
20 Public Schools to serve on the State Board of Education.
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22 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 resolution may be cited as the “State Board of Education Membership Eligibility Emergency
24 Declaration Resolution of 2022”.

25 Sec. 2. (a) The State Board of Education (“SBOE”) was established in 2007 in the State
26 Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9;
27 D.C. Official Code § 38-2651 *et seq.*).

28 (b) The SBOE carries out numerous advisory, oversight, and approval functions, including
29 advising the State Superintendent of Education on educational matters; overseeing the Office of
30 Ombudsman for Public Education and the Office of the Student Advocate; and approving state
31 academic standards, rules for residency verification, rules for enforcing school attendance, and the
32 list of charter school accreditation organizations.

33 (c) The SBOE consists of 9 elected members, one member is elected from each of the eight
34 election wards, and one member is elected at-large. SBOE members must satisfy certain statutory

35 requirements to serve, and one statutory requirement is that they cannot be officers or employees
36 of the District government.

37 (d) The SBOE is the only nonpartisan office in the District of Columbia which prohibits
38 District government employees from serving.

39 (e) District of Columbia Public Schools (“DCPS”) employees, including teachers,
40 principals, and central office employees, would provide invaluable expertise in educational matters
41 as SBOE members, but they are currently barred from serving – notably, unlike District public
42 charter school employees. For example, current SBOE member Frazier O’Leary was only able to
43 serve on the SBOE after he retired from teaching. Dr. O’Leary served for 47 years as an English
44 teacher in DCPS and used his decades of classroom experience to inform his leadership on such
45 issues as teacher retention and leading the SBOE’s Teacher Practice Committee.

46 (f) Allowing DCPS employees to serve on the SBOE would create parity with public
47 charter school employees.

48 (g) DCPS’ Collective Bargaining Agreements with the Council of School Officers (“CSO”)
49 and Washington Teachers’ Union (“WTU”) include requirements that their members who do not
50 intend to return to their schools in the fall submit a Declaration of Intent to Not Return application
51 no later than March 31st. WTU members who choose to leave after April 1st are required to pay a
52 \$1,000 fine to DCPS. CSO members who leave after April 1st are required to pay a \$3,000 fine to
53 DCPS.

54 (h) Two bills introduced this Council Period -- Bill 24-80, the DC State Education Agency
55 Independence Amendment Act of 2021, and Bill 24-507, the Elections Modernization Amendment
56 Act of 2021 – would amend the law to allow DCPS employees to serve on the SBOE. Both bills

57 have had hearings in their respective committees, and the Committee on the Judiciary and Public
58 Safety will be advancing the bill pending before it.

59 (i) This emergency legislation is necessary to allow prospective candidates for SBOE to
60 maintain their employment with DCPS, avoid a financial penalty, and begin preparing to run for
61 elected office.

62 Sec. 3. The Council of the District of Columbia determines that the circumstances
63 enumerated in section 2 constitute emergency circumstances making it necessary that the State
64 Board of Education Membership Eligibility Emergency Amendment Act of 2022 be adopted after
65 a single reading.

66 Sec. 4. This resolution shall take effect immediately.