

MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE
DISTRICT OF COLUMBIA AND OTHER ACTIVITIES
CHARGEABLE IN WHOLE OR IN PART AGAINST THE REV-
ENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 1996, AND FOR OTHER PURPOSES

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JANUARY 31, 1996.—Ordered to be printed
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Mr. WALSH, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 2546]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) “making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes,” having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Government of the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, \$660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Govern-

mental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), \$52,070,000.

FEDERAL CONTRIBUTION FOR EDUCATION REFORM

For a Federal contribution to Education Reform, \$14,930,000 which shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104-8, approved April 17, 1995 (109 Stat. 131), and shall be disbursed from such account pursuant to the instructions of the Authority and in accordance with title II of this Act, where applicable, as follows:

\$200,000 shall be available for payments to charter schools;

\$300,000 shall be available for the Public Charter School Board;

\$2,000,000 shall be transferred directly, notwithstanding any other provision of law, to the United States Department of Education for awarding grants to carry out Even Start programs in the District of Columbia as provided for in Subtitle C of title II of this Act;

\$1,250,000 shall be available to establish core curriculum, content standards, and assessments;

\$500,000 shall be available for payment to the Administrator of the General Services Administration for the costs of developing engineering plans for donated work on District of Columbia public school facilities;

\$100,000 shall be available to develop a plan for a residential school;

\$860,000 shall be available for the District Education and Learning Technologies Advancement Council;

\$1,450,000 shall be available to the District Employment and Learning Center;

\$1,000,000 shall be available for a professional development program for teachers and administrators administered by the non-profit corporation selected under section 2701 of title II of this Act;

\$1,450,000 shall be available for the Jobs for D.C. Graduates Program;

\$70,000 shall be available for the Everybody Wins program: Provided, That \$35,000 of this amount shall not be available until the Superintendent certifies to the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority that he has raised a like amount from private sources;

\$100,000 shall be available for the Fit Kids program: Provided, That \$50,000 of this amount shall not be available until the Superintendent certifies to the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority that he has raised a like amount from private sources;

\$250,000 shall be transferred directly, notwithstanding any other provision of law, to the United States Department of Education to carry out the evaluation of the scholarship program as provided for in Subtitle N of title II of this Act;

\$400,000 shall be available to the District of Columbia Public Schools to improve security (such as installing electronic door locking devices) at such schools, including at a minimum the following schools: Winston Education Center; McKinley High School; Ballou High School; and Cardozo High School; and

\$5,000,000 shall be available for scholarships for low-income students and shall not be disbursed by the Authority until the Authority receives a certification from the District of Columbia Scholarship Corporation that the proposed allocation between the tuition scholarships and enhanced achievement scholarships has been approved by the Council of the District of Columbia consistent with the Scholarship Corporation's most recent proposal concerning the implementation of the low-income scholarship program. These funds shall lapse and be returned by the Authority to the U.S. Treasury on September 30, 1996, if the required certification from the Scholarship Corporation is not received by July 1, 1996: Provided, That no funds provided under this heading may be used for any indirect cost charges of the District of Columbia Board of Education, the District of Columbia Public Schools or the District of Columbia government.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$149,130,000 and 1,498 full-time equivalent positions (end of year) (including \$117,464,000 and 1,158 full-time equivalent positions from local funds, \$2,464,000 and 5 full-time equivalent positions from Federal funds, \$4,474,000 and 71 full-time equivalent positions from other funds, and \$24,728,000 and 264 full-time equivalent positions from intra-District funds): Provided, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided, further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That \$29,500,000 is for pay-as-you-go capital projects of which \$1,500,000 shall be for a capital needs assessment study, and \$28,000,000 shall be for a new financial management system, if so determined following the evaluation and review process subsequently described in this para-

graph, of which \$2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining \$26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: Provided, further, That the \$26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate reporting the results of a needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; and (2) 30 days lapse after receipt of the report by Congress.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$140,983,000 and 1,692 full-time equivalent positions (end-of-year) (including \$68,203,000 and 698 full-time equivalent positions from local funds, \$38,792,000 and 509 full-time equivalent positions from Federal funds, \$17,658,000 and 258 full-time equivalent positions from other funds, and \$16,330,000 and 227 full-time equivalent positions from intra-District funds): Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$963,848,000 and 11,544 full-time equivalent positions (end-of-year) (including \$940,631,000 and 11,365 full-time equivalent positions from local funds, \$8,942,000 and 70 full-time equivalent positions from Federal

funds, \$5,160,000 and 4 full-time equivalent positions from other funds, and \$9,115,000 and 105 full-time equivalent positions from intra-District funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: Provided further, That \$250,000 is used for the Georgetown Summer Detail; \$200,000 is used for East of the River Detail; \$100,000 is used for Adams Morgan Detail; and \$100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government

officials on all disturbances at the prison, including escapes, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed \$100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$795,201,000 and 11,670 full-time equivalent positions (end-of-year) (including \$676,251,000 and 9,996 full-time equivalent positions from local funds, \$87,385,000 and 1,227 full-time equivalent positions from Federal funds, \$21,719,000 and 234 full-time equivalent positions from other funds, and \$9,846,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: \$580,996,000 and 10,167 full-time equivalent positions (including \$498,310,000 and 9,014 full-time equivalent positions from local funds \$75,786,000 and 1,058 full-time equivalent positions from Federal funds, \$4,343,000 and 44 full-time equivalent positions from other funds, and \$2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; \$111,800,000 (including \$111,000,000 from local funds and \$800,000 from intra-District funds) shall be allocated for the District of Columbia Teachers' Retirement Fund; \$79,396,000 and 1,079 full-time equivalent positions (including \$45,377,000 and 572 full-time equivalent positions from local funds, \$10,611,000 and 156 full-time equivalent positions from Federal funds, \$16,922,000 and 189 full-time equivalent positions from other funds, and \$6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; \$20,742,000 and 415 full-time equivalent positions (including \$19,839,000 and 408 full-time equivalent positions from local funds, \$446,000 and 6 full-time equivalent positions from Federal funds, \$454,000 and 1 full-time equivalent position from other funds, and \$3,000 from intra-District funds) for the Public Library; \$2,267,000 and 9 full-time equivalent

positions (including \$1,725,000 and 2 full-time equivalent positions from local funds and \$542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

EDUCATION REFORM

Education reform, \$14,930,000, to be allocated as follows:

\$200,000 shall be available for payments to charter schools as authorized under Subtitle B of title II of this Act;

\$300,000 shall be available for the Public Charter School Board as authorized under Subtitle B of title II of this Act;

\$2,000,000 shall be transferred directly, notwithstanding any other provision of law, to the United States Department of Education for awarding grants to carry out Even Start programs in the District of Columbia as provided for in Subtitle C of title II of this Act;

\$1,250,000 shall be available to establish core curriculum, content standards, and assessments as authorized under Subtitle D of title II of this Act;

\$500,000 shall be available for payment to the Administrator of the General Services Administration for the costs of developing engineering plans for donated work on District of Columbia public school facilities as authorized under Subtitle F of title II of this Act;

\$100,000 shall be available to develop a plan for a residential school as authorized under Subtitle G of title II of this Act;

\$860,000 shall be available for the District Education and Learning Technologies Advancement Council as authorized under Subtitle I of title II of this Act;

\$1,450,000 shall be available to the District Employment and Learning Center as authorized under Subtitle I of title II of this Act;

\$1,000,000 shall be available for a professional development program for teachers and administrators administered by the non-profit corporation selected under section 2701 of title II of this Act as authorized under Subtitle I of title II of this Act;

\$1,450,000 shall be available for the Jobs for D.C. Graduates Program as authorized under Subtitle I of title II of this Act;

\$70,000 shall be available for the Everybody Wins program;

\$100,000 shall be available for the Fit Kids program;

\$250,000 shall be transferred directly, notwithstanding any other provision of law, to the United States Department of Edu-

cation to carry out the evaluation of the scholarship program as provided for in Subtitle N of title II of this Act;

\$400,000 shall be available to the District of Columbia Public Schools to improve security (such as installing electronic door locking devices) at such schools, including at a minimum the following schools: Winston Education Center; McKinley High School; Ballou High School; and Cardozo High School; and

\$5,000,000 shall be paid to the District of Columbia Scholarship Corporation authorized under Subtitle N of title II of this Act for scholarships for low-income students:

Provided, That the District of Columbia government shall enter into negotiations with Gallaudet University to transfer, at a fair market value rate, Hamilton School from the District of Columbia to Gallaudet University with the proceeds, if such a sale takes place, deposited into the general fund of the District and used to improve public school facilities in the same ward as the Hamilton School.

HUMAN SUPPORT SERVICES

Human support services, \$1,855,014,000 and 6,469 full-time equivalent positions (end-of-year) (including \$1,076,856,000 and 3,650 full-time equivalent positions from local funds, \$726,685,000 and 2,639 full-time equivalent positions from Federal funds, \$46,799,000 and 66 full-time equivalent positions from other funds, and \$4,674,000 and 114 full-time equivalent positions from intra-District funds): Provided, That \$26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100-77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, \$297,568,000 and 1,914 full-time equivalent positions (end-of-year) (including \$225,915,000 and 1,158 full-time equivalent positions from local funds, \$2,682,000 and 32 full-time equivalent positions from Federal funds, \$18,342,000 and 68 full-time equivalent positions from other funds, and \$50,629,000 and 656 full-time equivalent positions from intra-District funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

For payment to the Washington Convention Center Enterprise Fund, \$5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, \$327,787,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102-106; D.C. Code, sec. 47-321(a)).

REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

For repayment of interest on short-term borrowing, \$9,698,000 from local funds.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of \$46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized from employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: Provided, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: Provided further, That the Congress hereby ratifies and approves legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government

during that fiscal year: *Provided further, That notwithstanding any other provision of law, the legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year shall be deemed to have been ratified and approved by the Congress during fiscal year 1995.*

RAINY DAY FUND

*For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-363), \$4,563,000 from local funds: *Provided, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.**

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, \$19,000,000.

OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, \$1,500,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of \$500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of \$16,000,000 within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, \$168,222,000 (including \$82,850,000 from local funds and \$85,372,000 from Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments there-

for, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 through 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That \$105,660,000 from local funds appropriated under this heading in prior fiscal years is rescinded: Provided further, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, \$242,253,000 and 1,024 full-time equivalent positions (end-of-year) (including \$237,076,000 and 924 full-time equivalent positions from local funds, \$433,000 from other funds, and \$4,744,000 and 100 full-time equivalent positions from intra-District funds), of which \$41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$39,477,000 from Federal funds, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, sec. 43-1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95

Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), \$229,950,000 and 88 full-time equivalent positions (end-of-year) (including \$7,950,000 and 88 full-time equivalent positions for administrative expenses and \$222,000,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), \$2,351,000 and 8 full-time equivalent positions (end-of-year) (including \$2,019,000 and 8 full-time equivalent positions from local funds and \$332,000 from other funds), of which \$572,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, \$6,580,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, \$115,034,000, of which \$56,735,000 shall be derived by transfer as intra-District funds from the general fund, \$52,684,000 is to be derived from the other funds, and \$5,615,000 is to be derived from intra-District funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1-711), \$13,440,000 and 11 full-time equivalent positions (end-of-year) from the earnings

of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88-622), \$10,516,000 and 66 full-time equivalent positions (end-of-year) (including \$3,415,000 and 22 full-time equivalent positions from other funds and \$7,101,000 and 44 full-time equivalent positions from intra-District funds).

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$37,957,000, of which \$5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), \$3,500,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

Notwithstanding any other provision of law, the Chief Financial Officer established under section 302 of Public Law 104-8, approved April 17, 1995 (109 Stat. 142) shall, on behalf of the Mayor, adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of \$165,837,000, within or among one or several of the various appropriation headings in this Act, pursuant to section 208 of Public Law 104-8, approved April 17, 1995 (109 Stat. 134).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public in-

specification, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445, 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be

transmitted to the Congress no later than April 15, 1996 or as provided for under the provisions of Public Law 104-8, approved April 17, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on Oversight of Government Management, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: Provided, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): Provided, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104-8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal Funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997.

The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, sec. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the

approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 132. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93-198; D.C.

Code, secs. 11-1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11-1524) is amended to read as follows:

“(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.”

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

“(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.”

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93-198; D.C. Code, sec. 1-1130), is amended by adding a new subsection (c) to read as follows:

“(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

“(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

“(A) appropriations originally available for the performance of the contract concerned;

“(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

“(C) funds appropriated for those payments.

“(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.”

CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47-801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47-812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: “If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real

property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.”.

(B) A new subsection (a-2) is added to read as follows:
“(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.”.

(2) Section 413(c) (D.C. Code, sec. 47-815(c)) is repealed.

PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase “or not-for-profit organizations.” in its place.

REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

- (1) negotiations with representatives of collective bargaining units to reduce employee compensation;
- (2) actions to restructure existing long-term city debt;
- (3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and
- (4) a list of any position that is backfilled including description, title, and salary of the position.

MONTHLY REPORTING REQUIREMENTS—BOARD OF EDUCATION

SEC. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

- (1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;
- (2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;
- (3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;
- (4) a list of all active contracts in excess of \$10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control

center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

MONTHLY REPORTING REQUIREMENT

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SEC. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of \$10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

ANNUAL REPORTING REQUIREMENTS

SEC. 140. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

ANNUAL BUDGETS AND BUDGET REVISIONS

SEC. 141. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301).

BUDGET APPROVAL

SEC. 142. The Board of Education the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of

Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

PUBLIC SCHOOL EMPLOYEE EVALUATIONS

SEC. 143. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

POSITION VACANCIES

SEC. 144. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104-8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,984 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C. Code, except chapter 23.

MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES

SEC. 145. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1-603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

"(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students."

(2) A new paragraph (15A) is added to read as follows:

"(15A) 'School administrators' means principals, assistant principals, school program directors, coordinators, instructional super-

visors, and support personnel of the District of Columbia Public Schools.”.

(b) Section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)) is amended by adding a new subparagraph (L-i) to read as follows:

“(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;”

(c) Section 2402 (D.C. Code, sec. 1-625.2) is amended by adding a new subsection (f) to read as follows:

“(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”.

SEC. 146. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

- (1) classified as an Educational Service employee;
- (2) placed under the personnel authority of the Board of Education; and
- (3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 147. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

CAPITAL PROJECT EMPLOYEES

SEC. 148. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Committees on Appropriations of the House of Representatives and the Senate a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

- (1) a list of all employees by position, title, grade and step;
- (2) a job description, including the capital project for which each employee is working;
- (3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and
- (4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1-625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency."

(b) A new section 2406 is added to read as follows:

"SEC. 2406. Abolishment of positions for Fiscal Year 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2543); and

“(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

“(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

“(1) four years for an employee who qualified for veteran’s preference under this act, and

“(2) three years for an employee who qualified for residency preference under this act.

“(i) Separation pursuant to this section shall not affect an employee’s rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

“(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

“(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

“(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section”.

Sec. 150. (a) CEILING ON TOTAL OPERATING EXPENSES.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption “Division of Expenses” shall not exceed \$4,994,000,000 of which \$165,339,000 shall be from intra-District funds.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104-8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104-8.

(3) *PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.*—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) *MONTHLY REPORTS.*—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

PLANS FOR LORTON CORRECTIONAL COMPLEX

SEC. 151. (a) DEVELOPMENT OF PLANS.—Not later than March 15, 1996, the District of Columbia shall develop a series of alternative plans meeting the requirements of subsection (b) for the use and operation of the Lorton Correctional Complex (hereafter in this section referred to as the “Complex”), including—

- (1) a plan under which the Complex will be closed;
- (2) a plan under which the Complex will remain in operation under the management of the District of Columbia subject to such modifications as the District considers appropriate;
- (3) a plan under which the Complex will be operated under the management of the Federal government;
- (4) a plan under which the Complex will be operated under private management; and
- (5) such other plans as the District of Columbia considers appropriate.

(b) *REQUIREMENTS FOR PLANS.*—Each of the plans developed by the District of Columbia under subsection (a) shall meet the following requirements:

- (1) The plan shall provide for an appropriate transition period not to exceed 5 years in length.
- (2) The plan shall include provisions specifying how and to what extent the District will utilize alternative management, including the private sector, for the operation of correctional facilities for the District, and shall include provisions describing the treatment under such alternative management (including under contracts) of site selection, design, financing, construction, and operation of correctional facilities for the District.
- (3) The plan shall include a description of any legislation required to implement the plan.
- (4) The plan shall include an implementation schedule, together with specific performance measures and timelines to determine the extent to which the District is meeting the schedule during the transition period.
- (5) Under the plan, the Mayor of the District of Columbia shall submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall regularly

report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all significant measures taken under the plan as soon as such measures are taken.

(6) For each of the years during which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) *SUBMISSION OF PLAN.*—Upon completing the development of the plans under subsection (a), the District of Columbia shall submit the plans to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

PROHIBITION AGAINST ADOPTION BY UNMARRIED COUPLES

SEC. 152. (a) IN GENERAL.—Section 16-302, D.C. Code, is amended—

(1) by striking “Any person” and inserting “(a) Subject to subsection (b), any person”; and

(2) by adding at the end the following subsection:

“(b)(1) Except as provided in paragraph (2), no person may join in a petition under this section unless the person is the spouse of the petitioner.

“(2) An unmarried person may file a petition for adoption where no other person joins in the petition or where the co-petitioner is the natural parent of the child.”.

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 153. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking “may provide” and inserting “shall promptly provide”.

(b) *AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.*—

(1) *FORMER FEDERAL EMPLOYEES.*—Subsection (e) of section 102 of such Act is amended to read as follows:

“(e) *PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.*—

“(1) *IN GENERAL.*—Any Federal employee who becomes employed by the Authority—

“(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

“(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual’s service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

“(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

“(A) shall qualify such individual for the treatment describe in such provisions for purposes of—

“(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

“(ii) chapter 87 of such title (relating to life insurance); and

“(iii) chapter 89 of such title (relating to health insurance); and

“(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

“(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

“(A) it is made before such individual separates from service with the Federal Government; and

“(B) such individual’s service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

“(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

“(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed in consultation with the Authority by—

“(A) the Office of Personnel Management, to the extent that any program administered by the office is involved;

“(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

“(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.”

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

“(f) FEDERAL BENEFITS FOR OTHERS.—

“(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia and in consultation with the Authority, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

“(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A) (i)–(iii); or

“(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

“(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

“(3) DEFINITION OF ‘CORRESPONDING OFFICE OR AGENCY’.—For purposes of paragraph (1), the term ‘corresponding office or agency of the government of the District of Columbia’ means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

“(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting ‘the Executive Director referred to in section 8474 of title 5, United States Code’ for ‘the Office of Personnel Management’.”

(3) “Effective date; additional election for former federal employees serving on date of enactment; election for employees appointed during interim period.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed in consultation with the Authority (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) Additional election for former federal employees serving on date of enactment.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking “the Authority and its members” and inserting “the Authority, its members, and its employees”; and

(2) by striking “the District of Columbia” and inserting “the Authority or its members or employees or the District of Columbia”.

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

ESTABLISHMENT OF EXCLUSIVE ACCOUNTS FOR BLUE PLAINS ACTIVITIES

SEC. 154. (a) OPERATION AND MAINTENANCE ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund the Operation and Maintenance Account, consisting of all fund paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to waste water treatment user charges;

(B) paid by users jurisdictions for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(C) appropriated or otherwise provided for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) *USE OF FUNDS IN ACCOUNT.*—Funds in the Operation and Maintenance Account shall be used solely for funding the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works and may not be obligated or expended for any other purpose, and may be used for related debt service and capital costs if such funds are not attributable to user charges assessed for purposes of section 204(b)(1) of the Federal Water Pollution Control Act.

(b) *EPA GRANT ACCOUNT.*—

(1) *CONTENTS OF ACCOUNT.*—There is hereby established within the Water and Sewer Enterprise Fund and EPA Grant Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to grants from the Environmental Protection Agency for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(B) appropriated or otherwise provided for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) *USE OF FUNDS IN ACCOUNT.*—Funds in the EPA Grant Account shall be used solely for the purposes specified under the terms of the grants and appropriations involved, and may not be obligated or expended for any other purpose.

SEC. 155. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1996 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1-725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Offices and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979; D.C. Code, secs. 1-722(d) and 1-724(d)).

This title may be cited as the "District of Columbia Appropriations Act, 1996".

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the “District of Columbia School Reform Act of 1995”.

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—*The term “appropriate congressional committees” means—*

(A) *the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;*

(B) *the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and*

(C) *the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.*

(2) **AUTHORITY.**—*The term “Authority” means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).*

(3) **AVERAGE DAILY ATTENDANCE.**—*The term “average daily attendance” means the aggregate attendance of students of the school during the period divided by the number of days during the period in which—*

(A) *the school is in session; and*

(B) *the students of the school are under the guidance and direction of teachers.*

(4) **AVERAGE DAILY MEMBERSHIP.**—*The term “average daily membership” means the aggregate enrollment of students of the school during the period divided by the number of days during the period in which—*

(A) *the school is in session; and*

(B) *the students of the school are under the guidance and direction of teachers.*

(5) **BOARD OF EDUCATION.**—*The term “Board of Education” means the Board of Education of the District of Columbia.*

(6) **BOARD OF TRUSTEES.**—*The term “Board of Trustees” means the governing board of a public charter school, the members of which are selected pursuant to the charter granted to the school and in a manner consistent with this title.*

(7) **CONSENSUS COMMISSION.**—*The term “Consensus Commission” means the Commission on Consensus Reform in the District of Columbia public schools established under subtitle L.*

(8) **CORE CURRICULUM.**—*The term “core curriculum” means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through grade 12 in academic content areas, including, at a minimum, English, mathematics, science, and history.*

(9) *DISTRICT OF COLUMBIA COUNCIL.*—The term “District of Columbia Council” means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1-221).

(10) *DISTRICT OF COLUMBIA GOVERNMENT.*—

(A) *IN GENERAL.*—The term “District of Columbia Government” means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public nonprofit corporation that has the authority to receive moneys directly or indirectly from the District of Columbia (other than moneys received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) *EXCEPTION.*—The term “District of Columbia Government” neither includes the Authority nor a public charter school.

(11) *DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.*—The term “District of Columbia Government retirement system” means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia Government.

(12) *DISTRICT OF COLUMBIA PUBLIC SCHOOL.*—

(A) *IN GENERAL.*—The term “District of Columbia public school” means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through grade 12; or

(ii) leading to a secondary school diploma, or its recognized equivalent.

(B) *EXCEPTION.*—The term “District of Columbia public school” does not include a public charter school.

(13) *DISTRICTWIDE ASSESSMENTS.*—The term “districtwide assessments” means a variety of assessment tools and strategies (including individual student assessments under subparagraph (E)(ii)) administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools that—

(A) are aligned with the District of Columbia’s content standards and core curriculum;

(B) provide coherent information about student attainment of such standards;

(C) are used for purposes for which such assessments are valid, reliable, and unbiased, and are consistent with relevant nationally recognized professional and technical standards for such assessments;

(D) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding; and

(E) provide for—

(i) the participation in such assessments of all students;

(ii) individual student assessments for students that fail to reach minimum acceptable levels of performance;

(iii) the reasonable adaptations and accommodations for students with special needs (as defined in paragraph (32)) necessary to measure the achievement of such students relative to the District of Columbia's content standards; and

(iv) the inclusion of limited-English proficient students, who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information regarding such students' knowledge and abilities.

(14) *ELECTRONIC DATA TRANSFER SYSTEM.*—The term “electronic data transfer system” means a computer-based process for the maintenance and transfer of student records designed to permit the transfer of individual student records among District of Columbia public schools and public charter schools.

(15) *ELEMENTARY SCHOOL.*—The term “elementary school” means an institutional day or residential school that provides elementary education, as determined under District of Columbia law.

(16) *ELIGIBLE APPLICANT.*—The term “eligible applicant” means a person, including a private, public, or quasi-public entity, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), that seeks to establish a public charter school in the District of Columbia.

(17) *ELIGIBLE CHARTERING AUTHORITY.*—The term “eligible chartering authority” means any of the following:

(A) The Board of Education.

(B) The Public Charter School Board.

(C) Any one entity designated as an eligible chartering authority by enactment of a bill by the District of Columbia Council after the date of the enactment of this Act.

(18) *FAMILY RESOURCE CENTER.*—The term “family resource center” means an information desk—

(A) located in a District of Columbia public school or a public charter school serving a majority of students whose family income is not greater than 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block

Grant Act applicable to a family of the size involved (42 U.S.C. 9902(3)); and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) *INDIVIDUAL CAREER PATH*.—The term “individual career path” means a program of study that provides a secondary school student the skills necessary to compete in the 21st century workforce.

(20) *LITERACY*.—The term “literacy” means—

(A) in the case of a minor student, such student’s ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function in society, to achieve such student’s goals, and develop such student’s knowledge and potential; and

(B) in the case of an adult, such adult’s ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve such adult’s goals, and develop such adult’s knowledge and potential.

(21) *LONG-TERM REFORM PLAN*.—The term “long-term reform plan” means the plan submitted by the Superintendent under section 2101.

(22) *MAYOR*.—The term “Mayor” means the Mayor of the District of Columbia.

(23) *METROBUS AND METRORAIL TRANSIT SYSTEM*.—The term “Metrobus and Metrorail Transit System” means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(24) *MINOR STUDENT*.—The term “minor student” means an individual who—

(A) is enrolled in a District of Columbia public school or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31–401 and 31–402, D.C. Code).

(25) *NONRESIDENT STUDENT*.—The term “nonresident student” means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(26) *PARENT*.—The term “parent” means a person who has custody of a child, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(27) *PETITION.*—The term “petition” means a written application.

(28) *PROMOTION GATE.*—The term “promotion gate” means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include student achievement on districtwide assessments established under subtitle D.

(29) *PUBLIC CHARTER SCHOOL.*—The term “public charter school” means a publicly funded school in the District of Columbia that—

(A) is established pursuant to subtitle B; and

(B) except as provided under sections 2212(d)(5) and 2213(c)(5) is not a part of the District of Columbia public schools.

(30) *PUBLIC CHARTER SCHOOL BOARD.*—The term “Public Charter School Board” means the Public Charter School Board established under section 2214.

(31) *SECONDARY SCHOOL.*—The term “secondary school” means an institutional day or residential school that provides secondary education, as determined by District of Columbia law, except that such term does not include any education beyond grade 12.

(32) *STUDENT WITH SPECIAL NEEDS.*—The term “student with special needs” means a student who is a child with a disability as provided in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or a student who is an individual with a disability as provided in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(33) *SUPERINTENDENT.*—The term “Superintendent” means the Superintendent of the District of Columbia public schools.

(34) *TEACHER.*—The term “teacher” means any person employed as a teacher by the Board of Education or by a public charter school.

SEC. 2003. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall be effective during the period beginning on the date of enactment of this Act and ending 5 years after such date.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) *IN GENERAL.*—

(1) *PLAN.*—The Superintendent, with the approval of the Board of Education, shall submit to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, not later than 90 days after the date of enactment of this Act, and each February 15 thereafter. The long-term reform plan shall be consistent with the financial plan and budg-

et for the District of Columbia for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, the Mayor, the District of Columbia Council, the Authority, and the Consensus Commission; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to the recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term reform plan shall describe how the District of Columbia public schools will become a world-class education system that prepares students for lifetime learning in the 21st century and which is on a par with the best education systems of other cities, States, and nations. The long-term reform plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally and internationally competitive levels by students attending District of Columbia public schools.

(B) The preparation of students for the workforce, including—

(i) providing special emphasis for students planning to obtain a postsecondary education; and

(ii) the development of individual career paths.

(C) The improvement of the health and safety of students in District of Columbia public schools.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools.

(E) The implementation of a comprehensive and effective adult education and literacy program.

(F) The identification, beginning in grade 3, of each student who does not meet minimum standards of academic achievement in reading, writing, and mathematics in order to ensure that such student meets such standards prior to grade promotion.

(G) The achievement of literacy, and the possession of the knowledge and skills necessary to think critically, communicate effectively, and perform competently on district-wide assessments, by students attending District of Colum-

bia public schools prior to such student's completion of grade 8.

(H) The establishment of after-school programs that promote self-confidence, self-discipline, self-respect, good citizenship, and respect for leaders, through such activities as arts classes, physical fitness programs, and community service.

(I) Steps necessary to establish an electronic data transfer system.

(J) Encourage parental involvement in all school activities, particularly parent teacher conferences.

(K) Development and implementation, through the Board of Education and the Superintendent, of a uniform dress code for the District of Columbia public schools, that—

(i) shall include a prohibition of gang membership symbols;

(ii) shall take into account the relative costs of any such code for each student; and

(iii) may include a requirement that students wear uniforms.

(L) The establishment of classes, beginning not later than grade 3, to teach students how to use computers effectively.

(M) The development of community schools that enable District of Columbia public schools to collaborate with other public and nonprofit agencies and organizations, local businesses, recreational, cultural, and other community and human service entities, for the purpose of meeting the needs and expanding the opportunities available to residents of the communities served by such schools.

(N) The establishment of programs which provide counseling, mentoring (especially peer mentoring), academic support, outreach, and supportive services to elementary, middle, and secondary school students who are at risk of dropping out of school.

(O) The establishment of a comprehensive remedial education program to assist students who do not meet basic literacy standards, or the criteria of promotion gates established in section 2421.

(P) The establishment of leadership development projects for middle school principals, which projects shall increase student learning and achievement and strengthen such principals as instructional school leaders.

(Q) The implementation of a policy for performance-based evaluation of principals and teachers, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals).

(R) The implementation of policies that require competitive appointments for all District of Columbia public school positions.

(S) The implementation of policies regarding alternative teacher certification requirements.

(T) The implementation of testing requirements for teacher licensing renewal.

(U) A review of the District of Columbia public school central office budget and staffing reductions for each fiscal year compared to the level of such budget and reductions at the end of fiscal year 1995.

(V) The implementation of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

(2) OTHER INFORMATION.—For each of the items described in subparagraphs (A) through (V) of paragraph (1), the long-term reform plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals shall be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees regarding the carrying out of the long-term reform plan; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term reform plan to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees. Any amendment to the long-term reform plan shall be consistent with the financial plan and budget for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

Subtitle B—Public Charter Schools

SEC. 2201. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert a District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(b) *PRIVATE OR INDEPENDENT SCHOOL.*—An eligible applicant seeking to convert an existing private or independent school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that is approved by the Board of Trustees or authority responsible for the school and that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(c) *NEW SCHOOL.*—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert a District of Columbia public school or a private or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2202.

SEC. 2202. CONTENTS OF PETITION.

A petition under section 2201 to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school and the manner in which the school will meet the content standards, and conduct the districtwide assessments, described in section 2411(b).

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the proposed school, which shall include, at a minimum—

(A) the area of focus of the proposed school, such as mathematics, science, or the arts, if the school will have such a focus;

(B) the methods that will be used, including classroom technology, to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(C) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the scope and size of the proposed school's program that will enable students to successfully achieve the goals established by the school, including the grade levels to be served by the school and the projected and maximum enrollment of each grade level.

(5) A description of the plan for evaluating student academic achievement at the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(6) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding \$10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(7) A description of the proposed rules and policies for governance and operation of the proposed school.

(8) Copies of the proposed articles of incorporation and by-laws of the proposed school.

(9) The names and addresses of the members of the proposed Board of Trustees and the procedures for selecting trustees.

(10) A description of the student enrollment, admission, suspension, expulsion, and other disciplinary policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(11) A description of the procedures the proposed school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the District of Columbia.

(12) An explanation of the qualifications that will be required of employees of the proposed school.

(13) An identification, and a description, of the individuals and entities submitting the petition, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

(14) A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school.

(15) A description of how parents and teachers will be provided an orientation and other training to ensure their effective participation in the operation of the public charter school.

(16) An assurance the proposed school will seek, obtain, and maintain accreditation from at least one of the following:

(A) The Middle States Association of Colleges and Schools.

(B) The Association of Independent Maryland Schools.

(C) The Southern Association of Colleges and Schools.

(D) The Virginia Association of Independent Schools.

(E) American Montessori Internationale.

(F) The American Montessori Society.

(G) The National Academy of Early Childhood Programs.

(H) Any other accrediting body deemed appropriate by the eligible chartering authority that granted the charter to the school.

(17) In the case that the proposed school's educational program includes preschool or prekindergarten, an assurance the proposed school will be licensed as a child development center by the District of Columbia Government not later than the first date on which such program commences.

(18) An explanation of the relationship that will exist between the public charter school and the school's employees.

(19) A statement of whether the proposed school elects to be treated as a local educational agency or a District of Columbia public school for purposes of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794), and notwithstanding any other provision of law the eligible chartering authority shall not have the authority to approve or disapprove such election.

SEC. 2203. PROCESS FOR APPROVING OR DENYING PUBLIC CHARTER SCHOOL PETITIONS.

(a) *SCHEDULE*.—An eligible chartering authority shall establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register and newspapers of general circulation.

(b) *PUBLIC HEARING*.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the eligible chartering authority shall hold a public hearing on the petition to gather the information that is necessary for the eligible chartering authority to make the decision to approve or deny the petition.

(c) *NOTICE.*—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register and newspapers of general circulation; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) *APPROVAL.*—Subject to subsection (i), an eligible chartering authority may approve a petition to establish a public charter school, if—

(1) the eligible chartering authority determines that the petition satisfies the requirements of this subtitle;

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subtitle and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition; and

(3) the eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition.

(e) *TIMETABLE.*—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) *EXTENSION.*—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that shall not exceed 30 days.

(g) *DENIAL EXPLANATION.*—If an eligible chartering authority denies a petition or finds the petition to be incomplete, the eligible chartering authority shall specify in writing the reasons for its decision and indicate, when the eligible chartering authority determines appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) *APPROVED PETITION.*—

(1) *NOTICE.*—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the eligible chartering authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register and newspapers of general circulation.

(2) *CHARTER.*—The provisions described in paragraphs (1), (7), (8), (11), (16), (17), and (18) of section 2202 of a petition to establish a public charter school that are approved by an eligible chartering authority, together with any amendments to the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the eligible chartering authority.

(i) *NUMBER OF PETITIONS.*—

(1) *FIRST YEAR.*—For academic year 1996–1997, not more than 10 petitions to establish public charter schools may be approved under this subtitle.

(2) *SUBSEQUENT YEARS.*—For academic year 1997–1998 and each academic year thereafter each eligible chartering authority shall not approve more than 5 petitions to establish a public charter school under this subtitle.

(j) *EXCLUSIVE AUTHORITY OF THE ELIGIBLE CHARTERING AUTHORITY.*—No governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except for officers or employees of the eligible chartering authority with which the petition is filed.

SEC. 2204. DUTIES, POWERS, AND OTHER REQUIREMENTS, OF PUBLIC CHARTER SCHOOLS.

(a) *DUTIES.*—A public charter school shall comply with all of the terms and provisions of its charter.

(b) *POWERS.*—A public charter school shall have the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words “public charter school”.

(2) To acquire real property for use as the public charter school’s facilities, from public or private sources.

(3) To receive and disburse funds for public charter school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of Federal or private funds.

(6) To solicit and accept any grants or gifts for public charter school purposes, if the public charter school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to its charter; and

(B) maintains for financial reporting purposes separate accounts for grants or gifts.

(7) To be responsible for the public charter school’s operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in the public charter school’s own name.

(c) *PROHIBITIONS AND OTHER REQUIREMENTS.*—

(1) *CONTRACTING AUTHORITY.*—

(A) *NOTICE REQUIREMENT.*—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

(B) *SUBMISSION TO THE AUTHORITY.*—

(i) *DEADLINE FOR SUBMISSION.*—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) *EFFECTIVE DATE OF CONTRACT.*—

(I) *IN GENERAL.*—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) *EXCEPTION.*—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) *TUITION.*—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students, or for field trips or similar activities.

(3) *CONTROL.*—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this subtitle; and

(B) shall be exempt from District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subtitle.

(4) *HEALTH AND SAFETY.*—A public charter school shall maintain the health and safety of all students attending such school.

(5) *CIVIL RIGHTS AND IDEA.*—The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to a public charter school.

(6) *GOVERNANCE.*—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school and the provisions of this subtitle.

(7) *OTHER STAFF.*—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(8) *OTHER STUDENTS.*—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(9) *TAXES OR BONDS.*—A public charter school shall not levy taxes or issue bonds.

(10) *CHARTER REVISION.*—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file the petition with the eligible chartering authority that granted the charter. The provisions of section 2203 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(11) *ANNUAL REPORT.*—

(A) *IN GENERAL.*—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter and to the Consensus Commission. The school shall permit a member of the public to review any such report upon request.

(B) *CONTENTS.*—A report submitted under subparagraph (A) shall include the following data:

(i) A report on the extent to which the school is meeting its mission and goals as stated in the petition for the charter school.

(ii) Student performance on any districtwide assessments.

(iii) Grade advancement for students enrolled in the public charter school.

(iv) Graduation rates, college admission test scores, and college admission rates, if applicable.

(v) Types and amounts of parental involvement.

(vi) Official student enrollment.

(vii) Average daily attendance.

(viii) Average daily membership.

(ix) A financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(x) A report on school staff indicating the qualifications and responsibilities of such staff.

(xi) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding \$500 during the year that is the subject of the report.

(C) *NONIDENTIFYING DATA.*—Data described in clauses (i) through (ix) of subparagraph (B) that are included in an annual report shall not identify the individuals to whom the data pertain.

(12) *CENSUS.*—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board of Education to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) *COMPLAINT RESOLUTION PROCESS.*—A public charter school shall establish an informal complaint resolution process.

(14) *PROGRAM OF EDUCATION.*—A public charter school shall provide a program of education which shall include one or more of the following:

(A) *Preschool.*

(B) *Prekindergarten.*

(C) *Any grade or grades from kindergarten through grade 12.*

(D) *Adult, community, continuing, and vocational education programs.*

(15) *NONSECTARIAN NATURE OF SCHOOLS.*—A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

(16) *NONPROFIT STATUS OF SCHOOL.*—A public charter school shall be organized under the District of Columbia Non-profit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) *IMMUNITY FROM CIVIL LIABILITY.*—

(A) *IN GENERAL.*—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) *constitutes gross negligence;*

(ii) *constitutes an intentional tort; or*

(iii) *is criminal in nature.*

(B) *COMMON LAW IMMUNITY PRESERVED.*—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2205. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) *BOARD OF TRUSTEES.*—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such Board of Trustees shall have an odd number of members that does not exceed 7, of which—

(1) *a majority shall be residents of the District of Columbia;*
and

(2) *at least 2 shall be parents of a student attending the school.*

(b) *ELIGIBILITY.*—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) *is a teacher or staff member who is employed at the school;*

(2) *is a parent of a student attending the school; or*

(3) *meets the election or selection criteria set forth in the charter granted to the school.*

(c) *ELECTION OR SELECTION OF PARENTS.*—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim Board of Trustees may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) *FIDUCIARIES.*—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this subtitle, and other applicable law.

SEC. 2206. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) *OPEN ENROLLMENT.*—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) *CRITERIA FOR ADMISSION.*—A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) *RANDOM SELECTION.*—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) *ADMISSION TO AN EXISTING SCHOOL.*—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert a District of Columbia public school or a private or independent school into a public charter school, is approved, the school may give priority in enrollment to—

(1) students enrolled in the school at the time the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of a District of Columbia public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) *NONRESIDENT STUDENTS.*—Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) *STUDENT WITHDRAWAL.*—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) *EXPULSION AND SUSPENSION.*—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2207. EMPLOYEES.

(a) *EXTENDED LEAVE OF ABSENCE WITHOUT PAY.*—

(1) *LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.*—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) *REQUEST FOR EXTENSION.*—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under such paragraph may submit a request to the Superintendent for an extension of the leave of absence for an unlimited number of 2-year terms. The Superintendent may not unreasonably (as determined by the eligible chartering authority) withhold approval of the request.

(3) *RIGHTS UPON TERMINATION OF LEAVE.*—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) or (2) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) *RETIREMENT SYSTEM.*—

(1) *CREDITABLE SERVICE.*—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2-139, effective March 3, 1979 (D.C. Code, sec. 1-627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) *AUTHORITY TO ESTABLISH SEPARATE SYSTEM.*—A public charter school may establish a retirement system for employees under its authority.

(3) *ELECTION OF RETIREMENT SYSTEM.*—A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) *PROHIBITED EMPLOYMENT CONDITIONS.*—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) *CONTRIBUTIONS.*—

(A) *EMPLOYEES ELECTING NOT TO TRANSFER.*—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) *EMPLOYEES ELECTING TO TRANSFER.*—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the ap-

licable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.

(c) *EMPLOYMENT STATUS.*—Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.

SEC. 2208. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2-152, effective March 9, 1979 (D.C. Code, sec. 44-216 et seq.), to a student attending a District of Columbia public school.

SEC. 2209. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services, such as facilities maintenance, to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2210. APPLICATION OF LAW.

(a) *ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.*—

(1) *TREATMENT AS LOCAL EDUCATIONAL AGENCY.*—

(A) *IN GENERAL.*—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and shall be eligible for assistance under such part, if the fraction the numerator of which is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made and the denominator of which is the total number of students enrolled in such public charter school for such preceding year, is equal to or greater than the lowest fraction determined for any District of Columbia public school receiving assistance under such part A where the numerator is the number of low-income students enrolled in such public school for such preceding year and the denominator is the total number of students enrolled in such public school for such preceding year.

(B) *DEFINITION.*—For the purposes of this subsection, the term “low-income student” means a student from a low-income family determined according to the measure adopted by the District of Columbia to carry out the provisions of part A of title I of the Elementary and Secondary Education Act of 1965 that is consistent with the measures described in section 1113(a)(5) of such Act (20 U.S.C. 6313(a)(5)) for the fiscal year for which the determination is made.

(2) *ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.*—

(A) *PUBLIC CHARTER SCHOOLS.*—For fiscal years 1996 through 1998, each public charter school that is eligible to

receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) *DISTRICT OF COLUMBIA PUBLIC SCHOOLS.*—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of subparagraph (D) bears to the aggregate total described in subparagraph (D).

(C) *NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.*—The number described in this subparagraph is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made.

(D) *AGGREGATE NUMBER OF ELIGIBLE STUDENTS.*—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a public charter school.

(ii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(iii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made—

(I) were enrolled in a private or independent school; and

(II) resided in an attendance area of a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(3) *ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.*—

(A) *CALCULATION BY SECRETARY.*—Notwithstanding sections 1124(a)(2), 1124A(a)(4), and 1125(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(a)(2), 6334(a)(4), and 6335(d)), for fiscal year 1999 and each fiscal year thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if such agencies were a

single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and each fiscal year thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the aggregate total described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—For fiscal year 1999 and each fiscal year thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) ESEA REQUIREMENTS.—Except as provided in paragraph (6), a public charter school receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall comply with all requirements applicable to schools receiving such funds.

(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5) and (8) of section 1112(b) (20 U.S.C. 6312(b)).

(B) Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), (1)(F), (1)(H), and (3) of section 1112(c) (20 U.S.C. 6312(c)).

(C) Section 1113 (20 U.S.C. 6313).

(D) Section 1115A (20 U.S.C. 6316).

(E) Subsections (a), (b), and (c) of section 1116 (20 U.S.C. 6317).

(F) Subsections (d) and (e) of section 1118 (20 U.S.C. 6319).

(G) Section 1120 (20 U.S.C. 6321).

(H) Subsections (a) and (c) of section 1120A (20 U.S.C. 6322).

(I) Section 1126 (20 U.S.C. 6337).

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

(c) EDUCATION OF CHILDREN WITH DISABILITIES.—Notwithstanding any other provision of this title, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

SEC. 2211. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) **OVERSIGHT.**—

(1) **IN GENERAL.**—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the eligible chartering authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to such school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.

(2) **PRODUCTION OF BOOKS AND RECORDS.**—An eligible chartering authority may require a public charter school to which the eligible chartering authority has granted a charter to produce any book, record, paper, or document, if the eligible chartering authority determines that such production is necessary for the eligible chartering authority to carry out its functions under this subtitle.

(b) **FEES.**—

(1) **APPLICATION FEE.**—An eligible chartering authority may charge an eligible applicant a fee, not to exceed \$150, for processing a petition to establish a public charter school.

(2) **ADMINISTRATION FEE.**—In the case of an eligible chartering authority that has granted a charter to a public charter school, the eligible chartering authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) **IMMUNITY FROM CIVIL LIABILITY.**—

(1) **IN GENERAL.**—An eligible chartering authority, the Board of Trustees of such an eligible chartering authority, and a director, officer, employee, or volunteer of such an eligible chartering authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) **COMMON LAW IMMUNITY PRESERVED.**—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

(d) **ANNUAL REPORT.**—On or before July 30 of each year, each eligible chartering authority that issues a charter under this subtitle shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission that includes the following information:

(1) A list of the members of the eligible chartering authority and the addresses of such members.

(2) A list of the dates and places of each meeting of the eligible chartering authority during the year preceding the report.

(3) The number of petitions received by the eligible chartering authority for the conversion of a District of Columbia public school or a private or independent school to a public charter school, and for the creation of a new school as a public charter school.

(4) The number of petitions described in paragraph (3) that were approved and the number that were denied, as well as a summary of the reasons for which such petitions were denied.

(5) A description of any new charters issued by the eligible chartering authority during the year preceding the report.

(6) A description of any charters renewed by the eligible chartering authority during the year preceding the report.

(7) A description of any charters revoked by the eligible chartering authority during the year preceding the report.

(8) A description of any charters refused renewal by the eligible chartering authority during the year preceding the report.

(9) Any recommendations the eligible chartering authority has concerning ways to improve the administration of public charter schools.

SEC. 2212. CHARTER RENEWAL.

(a) *TERM.*—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of times, each time for a 5-year period.

(b) *APPLICATION FOR CHARTER RENEWAL.*—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days nor earlier than 365 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) *APPROVAL OF CHARTER RENEWAL APPLICATION.*—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b), except that the eligible chartering authority shall not approve such application if the eligible chartering authority determines that—

(1) the school committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its charter, including violations relating to the education of children with disabilities; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in its charter.

(d) *PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.*—

(1) *NOTICE OF RIGHT TO HEARING.*—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board of Trustees written notice of the right to an informal hearing on the application. The eligi-

ble chartering authority shall provide the notice not later than 15 days after the date on which the eligible chartering authority received the application.

(2) *REQUEST FOR HEARING.*—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) *DATE AND TIME OF HEARING.*—

(A) *NOTICE.*—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) *DEADLINE.*—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) *FINAL DECISION.*—

(A) *DEADLINE.*—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) *REASONS FOR NONRENEWAL.*—An eligible chartering authority that denies an application to renew a charter shall state in its decision the reasons for denial.

(5) *ALTERNATIVES UPON NONRENEWAL.*—If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the Board of Education, that directly relate to the grounds for the denial.

(6) *JUDICIAL REVIEW.*—

(A) *AVAILABILITY OF REVIEW.*—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) *STANDARD OF REVIEW.*—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2213. CHARTER REVOCATION.

(a) *CHARTER OR LAW VIOLATIONS.*—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities.

(b) *FISCAL MISMANAGEMENT.*—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the eligible chartering authority determines that the school—

- (1) has engaged in a pattern of nonadherence to generally accepted accounting principles;
- (2) has engaged in a pattern of fiscal mismanagement; or
- (3) is no longer economically viable.

(c) *PROCEDURES FOR CONSIDERATION OF REVOCATION.*—

(1) *NOTICE OF RIGHT TO HEARING.*—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating the reasons for the proposed revocation. The notice shall inform the Board of Trustees of the right of the Board of Trustees to an informal hearing on the proposed revocation.

(2) *REQUEST FOR HEARING.*—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) *DATE AND TIME OF HEARING.*—

(A) *NOTICE.*—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) *DEADLINE.*—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) *FINAL DECISION.*—

(A) *DEADLINE.*—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) *REASONS FOR REVOCATION.*—An eligible chartering authority that revokes a charter shall state in its decision the reasons for the revocation.

(5) *ALTERNATIVES UPON REVOCATION.*—If an eligible chartering authority revokes a charter granted to a public charter school, the Board of Education may manage the school directly until alternative arrangements can be made for students at the school.

(6) *JUDICIAL REVIEW.*—

(A) *AVAILABILITY OF REVIEW.*—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) *STANDARD OF REVIEW.*—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.

(a) *ESTABLISHMENT.*—

(1) *IN GENERAL.*—There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the “Board”).

(2) *MEMBERSHIP.*—The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia City Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools.

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise.

(C) The educational, social, and economic development needs of the District of Columbia.

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) *VACANCIES.*—Any time there is a vacancy in the membership of the Board, the Secretary of Education shall present the Mayor a list of 3 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 individual from the list to serve on the Board. The Secretary shall recommend and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(4) *TIME LIMIT FOR APPOINTMENTS.*—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board's membership to 7 within 30 days of receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) *TERMS OF MEMBERS.*—

(A) *IN GENERAL.*—Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2), the Mayor shall designate—

(i) 2 members to serve terms of 3 years;

(ii) 2 members to serve terms of 2 years; and

(iii) 1 member to serve a term of 1 year.

(B) *REAPPOINTMENT.*—Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) *INDEPENDENCE.*—No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) *OPERATIONS OF THE BOARD.*—

(1) *CHAIR.*—The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members' terms, or when requested by a majority vote of the members of the Board.

(2) *QUORUM.*—A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(3) *MEETINGS.*—The Board shall meet at the call of the Chair, subject to the hearing requirements of sections 2203, 2212(d)(3), and 2213(c)(3).

(c) *NO COMPENSATION FOR SERVICE.*—Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) *PERSONNEL AND RESOURCES.*—

(1) *IN GENERAL.*—Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary, but no individual so appointed shall be paid in excess of the rate payable for level EG-16 of the Educational Service of the District of Columbia.

(2) *SPECIAL RULE.*—The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(e) *EXPENSES OF BOARD.*—Any expenses of the Board shall be paid from such funds as may be available to the Mayor.

(f) *AUDIT.*—The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(g) *AUTHORIZATION OF APPROPRIATIONS.*—For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subtitle, there are authorized to be appropriated \$300,000 for fiscal year 1996 and such sums as may be necessary for each of the 4 succeeding fiscal years.

SEC. 2215. FEDERAL ENTITIES.

(a) *IN GENERAL.*—The following Federal agencies and federally established entities are encouraged to explore whether it is feasible for the agency or entity to establish one or more public charter schools:

- (1) *The Library of Congress.*
- (2) *The National Aeronautics and Space Administration.*
- (3) *The Drug Enforcement Administration.*
- (4) *The National Science Foundation.*
- (5) *The Department of Justice.*
- (6) *The Department of Defense.*
- (7) *The Department of Education.*
- (8) *The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.*

(b) *REPORT.*—Not later than 120 days after date of enactment of this Act, any agency or institution described in subsection (a) that has explored the feasibility of establishing a public charter school shall report its determination on the feasibility to the appropriate committees of the Congress.

Subtitle C—Even Start

SEC. 2301. AMENDMENTS FOR EVEN START PROGRAMS.

(a) *AUTHORIZATION OF APPROPRIATIONS.*—Section 1002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302) is amended by striking subsection (b) and inserting the following:

“(b) *EVEN START.*—

“(1) *IN GENERAL.*—For the purpose of carrying out part B, there are authorized to be appropriated \$118,000,000 for fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.

“(2) *DISTRICT OF COLUMBIA.*—For the purpose of carrying out Even Start programs in the District of Columbia described in section 1211, there are authorized to be appropriated—

“(A) \$2,000,000 for fiscal year 1996;

“(B) \$3,500,000 for fiscal year 1997;

“(C) \$5,000,000 for fiscal year 1998;

“(D) \$5,000,000 for fiscal year 1999; and

“(E) \$5,000,000 for fiscal year 2000.”

(b) *EVEN START FAMILY LITERACY PROGRAMS.*—Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—

(1) in section 1202(a)(1) (20 U.S.C. 6362(a)(1)), by inserting “(1)” after “1002(b)”;

(2) in section 1202(b) (20 U.S.C. 6362(b)), by inserting “(1)” after “1002(b)”;

(3) in section 1202(d)(3) (20 U.S.C. 6362(d)(3)), by inserting “(1)” after “1002(b)”;

(4) in section 1204(a) (20 U.S.C. 6364(a)), by inserting “intensive” after “cost of providing”;

(5) in section 1205(4) (20 U.S.C. 6365(4)), by inserting “, intensive” after “high-quality”; and

(6) by adding at the end the following new section:

“SEC. 1211. DISTRICT OF COLUMBIA EVEN START INITIATIVES.

“(a) DISTRICT OF COLUMBIA PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—In addition to any grant for the District of Columbia authorized under section 1202, the Secretary shall provide grants, on a competitive basis, to eligible entities to enable such entities to carry out Even Start programs in the District of Columbia that build on the findings of the National Evaluation of the Even Start Family Literacy Program, such as providing intensive services in early childhood education, parent training, and adult literacy or adult education.

“(2) NUMBER OF GRANTS.—The Secretary shall award—

“(A) not more than 8 grants under this section for fiscal year 1996;

“(B) not more than 14 grants under this section for fiscal year 1997;

“(C) not more than 20 grants under this section for each of the fiscal years 1998 and 1999; and

“(D) not more than 20 grants under this section, or such number as the Secretary determines appropriate taking into account the results of evaluations described in subsection (i), for fiscal year 2000.

“(b) DEFINITION.—For the purpose of this section, the term ‘eligible entity’ means a partnership composed of at least—

“(1) a District of Columbia public school;

“(2) the local educational agency in existence on September 1, 1995 for the District of Columbia, any other public organization, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))); and

“(3) a private nonprofit community-based organization.

“(c) USES OF FUNDS; FEDERAL SHARE.—

“(1) COMPLIANCE.—Each eligible entity that receives funds under this section shall comply with section 1204(a) and 1204(b)(3), relating to the use of such funds.

“(2) FEDERAL SHARE.—Each program funded under this section is subject to the Federal share requirement of section 1204(b)(1), except that the Secretary may waive that requirement, in whole or in part, for any eligible entity that demonstrates to the Secretary’s satisfaction that such entity otherwise would not be able to participate in the program under this section.

“(3) MINIMUM.—Except as provided in paragraph (4), each eligible entity selected to receive a grant under this section shall receive not more than \$250,000 in any fiscal year, except that the Secretary may increase such amount if the Secretary determines that—

“(A) such entity needs additional funds to be effective;
and

“(B) the increase will not reduce the amount of funds available to other eligible entities that receive funds under this section.

“(4) REMAINING FUNDS.—If funds remain after payments are made under paragraph (3) for any fiscal year, the Secretary shall make such remaining funds available to each eligible entity receiving a grant under this section for such year in an amount that bears the same relation to such funds as the amount each such entity received under this section bears to the amount all such entities received under this section.

“(d) PROGRAM ELEMENTS.—Each program assisted under this section shall comply with the program elements described in section 1205, including intensive high quality instruction programs of early childhood education, parent training, and adult literacy or adult education.

“(e) ELIGIBLE PARTICIPANTS.—

“(1) IN GENERAL.—Individuals eligible to participate in a program under this section are—

“(A) the parent or parents of a child described in subparagraph (B), or any other adult who is substantially involved in the day-to-day care of the child, if such parent or adult—

“(i) is eligible to participate in an adult education program under the Adult Education Act; or

“(ii) is attending, or is eligible by age to attend, a District of Columbia public school; and

“(B) any child, from birth through age 7, of an individual described in subparagraph (A).

“(2) ELIGIBILITY REQUIREMENTS.—The eligibility factors described in section 1206(b) shall apply to programs under this section, except that for purposes of this section—

“(A) the reference in paragraph (1) to subsection (a) shall be read to refer to paragraph (1); and

“(B) references in such section to this part shall be read to refer to this section.

“(f) APPLICATIONS.—Each eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(g) SELECTION OF GRANTEEES.—In awarding grants under this section, the Secretary shall—

“(1) use the selection criteria described in subparagraphs (A) through (F), and (H), of section 1208(a)(1); and

“(2) give priority to applications for programs that—

“(A) target services to schools in which a schoolwide program is being conducted under section 1114; or

“(B) are located in areas designated as empowerment zones or enterprise communities.

“(h) DURATION OF PROGRAMS.—The priority for subgrants described in section 1208(a)(2), and the progress requirement described in section 1208(b)(4), shall apply to grants made under this section, except that—

“(1) references in those sections to the State educational agency and to subgrants shall be read to refer to the Secretary and to grants under this section, respectively; and

“(2) notwithstanding section 1208(b), the Secretary shall not provide continuation funding to a grant recipient under this section if the Secretary determines, after affording the recipient notice and an opportunity for a hearing, that the recipient has not made substantial progress in accomplishing the objectives of this section.

“(i) TECHNICAL ASSISTANCE AND EVALUATION.—

“(1) TECHNICAL ASSISTANCE.—(A) The Secretary shall use not more than 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year—

“(i) to provide technical assistance to eligible entities, including providing funds to one or more District of Columbia nonprofit organizations to enable such organizations to provide technical assistance to eligible entities in the areas of community development and coalition building; and

“(ii) for the evaluation conducted pursuant to paragraph (2).

“(B) The Secretary shall allocate 5 percent of the amounts authorized under section 1002(b)(2) for any fiscal year to enter into a contract with the National Center for Family Literacy for the provision of technical assistance to eligible entities.

“(2) EVALUATION.—(A) The Secretary shall use funds available under paragraph (1)(A)—

“(i) to provide for independent evaluations of programs under this section in order to determine the effectiveness of such programs in providing high quality family literacy services, including—

“(I) intensive and high quality early childhood education;

“(II) intensive and high quality services in adult literacy or adult education;

“(III) intensive and high quality services in parent training;

“(IV) coordination with related programs; and

“(V) training of related personnel in appropriate skill areas; and

“(ii) to determine if the grant amount provided to eligible recipients to carry out such projects is appropriate to accomplish the objectives of this section.

“(B)(i) Such evaluation shall be conducted by individuals not directly involved in the administration of a program operated with funds provided under this section. Such independent evaluators and the program administrators shall jointly develop evaluation criteria which provide for appropriate analysis of the factors listed in subparagraph (A).

“(ii) In order to determine a program’s effectiveness, each evaluation shall contain objective measures of such effectiveness, and whenever feasible, shall contain the specific views of program participants about such programs.

“(C) The Secretary shall prepare and submit to the appropriate congressional committees a report regarding the results

of such evaluations not later than March 1, 1999. The Secretary shall provide an interim report regarding the results of such evaluations by March 1, 1998.”.

Subtitle D—World Class Schools Task Force, Core Curriculum, Content Standards, Assessments, and Promotion Gates

PART 1—WORLD CLASS SCHOOLS TASK FORCE, CORE CURRICULUM, CONTENT STANDARDS, AND ASSESSMENTS

SEC. 2411. GRANT AUTHORIZED AND RECOMMENDATION REQUIRED.

(a) **GRANT AUTHORIZED.**—

(1) **IN GENERAL.**—The Superintendent is authorized to award a grant to a World Class Schools Task Force to enable such task force to make the recommendation described in subsection (b).

(2) **DEFINITION.**—For the purpose of this subtitle, the term “World Class Schools Task Force” means 1 nonprofit organization located in the District of Columbia that—

(A) has a national reputation for advocating content standards;

(B) has a national reputation for advocating a strong liberal arts curriculum;

(C) has experience with at least 4 urban school districts for the purpose of establishing content standards;

(D) has developed and managed professional development programs in science, mathematics, the humanities and the arts; and

(E) is governed by an independent board of directors composed of citizens with a variety of experiences in education and public policy.

(b) **RECOMMENDATION REQUIRED.**—

(1) **IN GENERAL.**—The World Class Schools Task Force shall recommend to the Superintendent, the Board of Education, and the District of Columbia Goals Panel the following:

(A) Content standards in the core academic subjects that are developed by working with the District of Columbia community, which standards shall be developed not later than 12 months after the date of enactment of this Act.

(B) A core curriculum developed by working with the District of Columbia community, which curriculum shall include the teaching of computer skills.

(C) Districtwide assessments for measuring student achievement in accordance with content standards developed under subparagraph (A). Such assessments shall be developed at several grade levels, including at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates under section 2421. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits comparisons between—

(i) individual District of Columbia public schools and public charter schools; and

(ii) individual students attending such schools.

(D) Model professional development programs for teachers using the standards and curriculum developed under subparagraphs (A) and (B).

(2) *SPECIAL RULE.*—The World Class Schools Task Force is encouraged, to the extent practicable, to develop districtwide assessments described in paragraph (1)(C) that permit comparisons among—

(A) individual District of Columbia public schools and public charter schools, and individual students attending such schools; and

(B) students of other nations.

(c) *CONTENT.*—The content standards and assessments recommended under subsection (b) shall be judged by the World Class Schools Task Force to be world class, including having a level of quality and rigor, or being analogous to content standards and assessments of other States or nations (including nations whose students historically score high on international studies of student achievement).

(d) *SUBMISSION TO BOARD OF EDUCATION FOR ADOPTION.*—If the content standards, curriculum, assessments, and programs recommended under subsection (b) are approved by the Superintendent, the Superintendent may submit such content standards, curriculum, assessments, and programs to the Board of Education for adoption.

SEC. 2412. CONSULTATION.

The World Class Schools Task Force shall conduct its duties under this part in consultation with—

(1) the District of Columbia Goals Panel;

(2) officials of the District of Columbia public schools who have been identified by the Superintendent as having responsibilities relevant to this part, including the Deputy Superintendent for Curriculum;

(3) the District of Columbia community, with particular attention given to educators, and parent and business organizations; and

(4) any other persons or groups that the task force deems appropriate.

SEC. 2413. ADMINISTRATIVE PROVISIONS.

The World Class Schools Task Force shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) that are relevant to its duties under this part and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 2414. CONSULTANTS.

Upon the request of the World Class Schools Task Force, the head of any department or agency of the Federal Government may detail any of the personnel of such agency to such task force to assist such task force in carrying out such task force's duties under this part.

SEC. 2415. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$2,000,000 for fiscal year 1996 to carry out this part. Such funds shall remain available until expended.

PART 2—PROMOTION GATES**SEC. 2421. PROMOTION GATES.**

(a) **KINDERGARTEN THROUGH 4TH GRADE.**—Not later than one year after the date of adoption in accordance with section 2411(d) of the assessments described in section 2411(b)(1)(C), the Superintendent shall establish and implement promotion gates for mathematics, reading, and writing, for not less than 1 grade level from kindergarten through grade 4, including at least grade 4, and shall establish dates for establishing such other promotion gates for other subject areas.

(b) **5TH THROUGH 8TH GRADES.**—Not later than one year after the adoption in accordance with section 2411(d) of the assessments described in section 2411(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 5 through grade 8, including at least grade 8.

(c) **9TH THROUGH 12TH GRADES.**—Not later than one year after the adoption in accordance with section 2411(d) of the assessments described in section 2411(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 9 through grade 12, including at least grade 12.

Subtitle E—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2501. ANNUAL BUDGETS FOR SCHOOLS.

(a) **IN GENERAL.**—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) **FORMULA.**—

(1) **IN GENERAL.**—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish on or before April 15, 1996, a formula to determine the amount of—

(A) the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) the annual payment to each public charter school for the operating expenses of each public charter school.

(2) **FORMULA CALCULATION.**—Except as provided in paragraph (3), the amount of the annual payment under paragraph

(1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2502 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2502 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTIONS.—

(A) FORMULA.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels.

(B) PAYMENT.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment if a District of Columbia public school or a public charter school serves a high number of students—

(i) with special needs; or

(ii) who do not meet minimum literacy standards.

SEC. 2502. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15, 1996, and not later than September 15 of each year thereafter, each District of Columbia public school and public charter school shall submit a report to the Mayor and the Board of Education containing the information described in subsection (b) that is applicable to such school.

(2) SPECIAL RULE.—Not later than April 1, 1997, and not later than April 1 of each year thereafter, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2503(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools.

(2) *The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).*

(3) *The number of students, including nonresident students, enrolled in preschool and prekindergarten in the District of Columbia public schools and in public charter schools.*

(4) *The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).*

(5) *The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools.*

(6) *The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).*

(7) *The number of students, including nonresident students, enrolled in nongrade level programs in District of Columbia public schools and in public charter schools.*

(8) *The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).*

(c) *ANNUAL REPORTS.*—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Consensus Commission, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) *AUDIT OF INITIAL CALCULATIONS.*—

(1) *IN GENERAL.*—The Board of Education shall arrange with the Authority to provide for the conduct of an independent audit of the initial calculations described in subsection (b).

(2) *CONDUCT OF AUDIT.*—In conducting the audit, the independent auditor—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (c); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) *SUBMISSION OF AUDIT.*—Not later than 45 days, or as soon thereafter as is practicable, after the date on which the Authority receives the initial annual report from the Board of Education under subsection (c), the Authority shall submit to the Board of Education, the Mayor, the District of Columbia Council, and the appropriate congressional committees, the audit conducted under this subsection.

(4) *COST OF THE AUDIT.*—The Board of Education shall reimburse the Authority for the cost of the independent audit, solely from amounts appropriated to the Board of Education for staff, stipends, and other-than-personal-services of the Board of Education by an Act making appropriations for the District of Columbia.

SEC. 2503. PAYMENTS.

(a) *IN GENERAL.*—

(1) *ESCROW FOR PUBLIC CHARTER SCHOOLS.*—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of an Act making appropriations for the District of Columbia for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2501(b)(1)(B) for use only by District of Columbia public charter schools.

(2) *TRANSFER OF ESCROW FUNDS.*—

(A) *INITIAL PAYMENT.*—Not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2501(b) to a bank designated by such school.

(B) *FINAL PAYMENT.*—

(i) Except as provided in clause (ii), not later than May 1, 1997, and not later than May 1 of each year thereafter, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Not later than March 15, 1997, and not later than March 15 of each year thereafter, if the enrollment number of a public charter school has changed from the number reported to the Mayor and the Board of Education, as required under section 2502(a), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled in such school in excess of such enrollment number, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of such school below such enrollment number.

(C) *PRO RATA REDUCTION OR INCREASE IN PAYMENTS.*—

(i) *PRO RATA REDUCTION.*—If the funds made available to the District of Columbia Government for the District of Columbia public school system and each public charter school for any fiscal year are insufficient to pay the full amount that such system and each public charter school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year on the basis of the formula described in section 2501(b).

(ii) *INCREASE.*—If additional funds become available for making payments under this subtitle for such

fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated \$200,000 for each fiscal year to carry out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the fiscal years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) and not paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying \$6,300 by $\frac{1}{12}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under section 2501(b) by $\frac{1}{12}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection, except that for purposes of this

subparagraph references to District of Columbia public schools in such subparagraphs (C) and (D) shall be read to refer to public charter schools.

Subtitle F—School Facilities Repair and Improvement

SEC. 2550. DEFINITIONS.

For purposes of this subtitle—

(1) the term “facilities” means buildings, structures, and real property of the District of Columbia public schools, except that such term does not include any administrative office building that is not located in a building containing classrooms; and

(2) the term “repair and improvement” includes administration, construction, and renovation.

PART 1—SCHOOL FACILITIES

SEC. 2551. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act the Administrator of the General Services Administration shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the “Agreement”) with the Superintendent regarding the terms under which the Administrator will provide technical assistance and related services with respect to District of Columbia public schools facilities management in accordance with this section.

(b) TECHNICAL ASSISTANCE AND RELATED SERVICES.—The technical assistance and related services described in subsection (a) shall include—

(1) the Administrator consulting with and advising District of Columbia public school personnel responsible for public schools facilities management, including repair and improvement with respect to facilities management of such schools;

(2) the Administrator assisting the Superintendent in developing a systemic and comprehensive facilities revitalization program, for the repair and improvement of District of Columbia public school facilities, which program shall—

(A) include a list of facilities to be repaired and improved in a recommended order of priority;

(B) provide the repair and improvement required to support modern technology; and

(C) take into account the Preliminary Facilities Master Plan 2005 (prepared by the Superintendent’s Task Force on Education Infrastructure for the 21st Century);

(3) the method by which the Superintendent will accept donations of private goods and services for use by the District of Columbia public schools without regard to any law or regulation of the District of Columbia;

(4) the Administrator recommending specific repair and improvement projects in District of Columbia public school facilities to the Superintendent that are appropriate for completion

by members and units of the National Guard and the Reserves in accordance with the program developed under paragraph (2);

(5) upon the request of the Superintendent, the Administrator assisting the appropriate District of Columbia public school officials in the preparation of an action plan for the performance of any repair and improvement recommended in the program developed under paragraph (2), which action plan shall detail the technical assistance and related services the Administrator proposes to provide in the accomplishment of the repair and improvement;

(6) upon the request of the Superintendent, and if consistent with the efficient use of resources as determined by the Administrator, the coordination of the accomplishment of any repair and improvement in accordance with the action plan prepared under paragraph (5), except that in carrying out this paragraph, the Administrator shall not be subject to the requirements of title III of the Federal Property and Administrative Services Act of 1949 (42 U.S.C. 471 et seq.), the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), or any other law governing procurements or public contracts, nor shall such action plan be subject to review under the bid protest procedures described in sections 3551 through 3556 of title 31, United States Code, or the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.);

(7) providing access for the Administrator to all District of Columbia public school facilities as well as permitting the Administrator to request and obtain any record or document regarding such facilities as the Administrator determines necessary, except that any such record or document shall not become a record (as defined in section 552a of title 5, United States Code) of the General Services Administration; and

(8) the Administrator making recommendations regarding how District of Columbia public school facilities may be used by the District of Columbia community for multiple purposes.

(c) AGREEMENT PROVISIONS.—The Agreement shall include—

(1) the procedures by which the Superintendent and Administrator will consult with respect to carrying out this section, including reasonable time frames for such consultation;

(2) the scope of the technical assistance and related services to be provided by the General Services Administration in accordance with this section;

(3) assurances by the Administrator and the Superintendent to cooperate with each other in any way necessary to ensure implementation of the Agreement, including assurances that funds available to the District of Columbia shall be used to pay the obligations of the District of Columbia public school system that are incurred as a result of actions taken under, or in furtherance of, the Agreement, in addition to funds available to the Administrator for purposes of this section; and

(4) the duration of the Agreement, except that in no event shall the Agreement remain in effect later than the day that is 24 months after the date that the Agreement is signed, or the day that the agency designated pursuant to section 2552(a)(2)

assumes responsibility for the District of Columbia public school facilities, whichever day is earlier.

(d) *LIMITATION ON ADMINISTRATOR'S LIABILITY.*—No claim, suit, or action may be brought against the Administrator in connection with the discharge of the Administrator's responsibilities under this subtitle.

(e) *SPECIAL RULE.*—Notwithstanding any other provision of law, the Administrator is authorized to accept and use a conditioned gift made for the express purpose of repairing or improving a District of Columbia public school, except that the Administrator shall not be required to carry out any repair or improvement under this section unless the Administrator accepts a donation of private goods or services sufficient to cover the costs of such repair or improvement.

(f) *EFFECTIVE DATE.*—This subtitle shall cease to be effective on the earlier day specified in subsection (c)(4).

SEC. 2552. FACILITIES REVITALIZATION PROGRAM.

(a) *PROGRAM.*—Not later than 24 months after the date that the Agreement is signed, the Mayor and the District of Columbia Council in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, shall—

(1) design and implement a comprehensive long-term program for the repair and improvement, and maintenance and management, of the District of Columbia public school facilities, which program shall incorporate the work completed in accordance with the program described in section 2551(b)(2); and

(2) designate a new or existing agency or authority within the District of Columbia Government to administer such program.

(b) *PROCEEDS.*—Such program shall include—

(1) identifying short-term funding for capital and maintenance of facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identifying and designating long-term funding for capital and maintenance of facilities.

(c) *IMPLEMENTATION.*—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for the repair and improvement, and maintenance and management, of District of Columbia public schools.

SEC. 2553. AUTHORIZATION OF APPROPRIATIONS FOR ENGINEERING PLANS.

There are authorized to be appropriated to the Administrator, \$500,000 for fiscal year 1996, which funds only shall be available for the costs of engineering plans developed to carry out this subtitle.

PART 2—WAIVERS

SEC. 2561. WAIVERS.

(a) *IN GENERAL.*—

(1) *REQUIREMENTS WAIVED.*—Subject to subsection (b), all District of Columbia fees and all requirements contained in the document entitled “District of Columbia Public Schools Standard Contract Provisions” (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, are waived, for purposes of repair and improvement of District of Columbia public schools facilities for a period beginning on the date of enactment of this Act and ending 24 months after such date.

(2) *DONATIONS AND SERVICES.*—Notwithstanding any other provision of law, any employer may accept, and any person may voluntarily donate, materials and services for the repair and improvement of a District of Columbia public school facility.

(b) *LIMITATION.*—A waiver under subsection (a) shall apply only to a contractor, subcontractor, and any other group, entity, or individual who donates materials and services for the repair or improvement of a District of Columbia public school facility.

PART 3—GIFTS, DONATIONS, BEQUESTS, AND DEVISES

SEC. 2571. GIFTS, DONATIONS, BEQUESTS, AND DEVISES.

(a) *IN GENERAL.*—A District of Columbia public school or a public charter school may accept directly from any person a gift, donation, bequest, or devise of any property, real or personal, without regard to any law or regulation of the District of Columbia.

(b) *TAX LAWS.*—For the purposes of the income tax, gift tax, and estate tax laws of the Federal Government, any money or other property given, donated, bequeathed, or devised to a District of Columbia public school or a public charter school, shall be deemed to have been given, donated, bequeathed, or devised to or for the use of the District of Columbia.

Subtitle G—Residential School

SEC. 2601. RESIDENTIAL SCHOOL AUTHORIZED.

(a) *IN GENERAL.*—The Superintendent is authorized to develop a plan to establish for the District of Columbia a residential school for academic year 1997–1998 and to assist in the startup of such school.

(b) *PLAN REQUIREMENTS.*—If developed, the plan for the residential school shall include, at a minimum—

(1) options for the location of the school, including the renovation or construction of a facility;

(2) financial plans for the facility, including annual costs to operate the school, capital expenditures required to open the facility, maintenance of facilities, and staffing costs; and

(3) staff development and training plans.

SEC. 2602. USE OF FUNDS.

Funds under this subtitle may be used—

- (1) to develop the plan described in section 2601; and
- (2) for capital costs associated with the startup of a residential school, including the purchase of real and personal property and the renovation or construction of facilities.

SEC. 2603. FUTURE FUNDING.

The Superintendent shall identify, not later than December 31, 1996, in a report to the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees, non-Federal funding sources for the operation of the residential school.

SEC. 2604. GIFTS.

The Superintendent may accept donations of money, property, and personal services for purposes of the establishment and operation of the residential school.

SEC. 2605. AUTHORIZATION OF APPROPRIATIONS.

(a) *PLAN.*—There are authorized to be appropriated to the District of Columbia \$100,000 for fiscal year 1996 to develop the plan described in section 2601.

(b) *CAPITAL COSTS.*—There are authorized to be appropriated \$1,900,000 for fiscal year 1997 to carry out section 2602(2).

SEC. 2606. ELIGIBILITY FOR SCHOLARSHIPS.

Notwithstanding any other provision of law, the residential school established under this subtitle shall be an eligible institution for the purposes of scholarships awarded under section 2923(d)(2).

Subtitle H—Progress Reports and Accountability

SEC. 2651. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than December 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, the Consensus Commission, and the District of Columbia Council a report regarding the progress of the District of Columbia public schools toward achieving the goals of the long-term reform plan.

SEC. 2652. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than April 1, 1997, the Chairperson of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the goals of the long-term reform plan.

Subtitle I—Partnerships With Business

SEC. 2701. PURPOSE.

The purpose of this subtitle is—

- (1) to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology;

(2) to establish a regional job training and employment center;

(3) to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools;

(4) to coordinate private sector investments in carrying out this title; and

(5) to assist the Superintendent with the development of individual career paths in accordance with the long-term reform plan.

SEC. 2702. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

Not later than 45 days after the date of the enactment of this Act, the Superintendent shall provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2703 for the purposes of carrying out the duties under sections 2704 and 2707.

SEC. 2703. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2702 if the corporation is a national business organization incorporated in the District of Columbia, that—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational agencies throughout the United States with respect to the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2704. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) **DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.**—

(1) **ESTABLISHMENT.**—The private, nonprofit corporation shall establish a council to be known as the “District Education and Learning Technologies Advancement Council” (in this subtitle referred to as the “council”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The private, nonprofit corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) **COMPENSATION.**—Members of the council shall serve without compensation.

(3) **DUTIES.**—The council—

(A) shall advise the private, nonprofit corporation with respect to the duties of the corporation under subsections (b) through (e) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL.—The private, nonprofit corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(2) ELECTRONIC DATA TRANSFER SYSTEM.—The private, nonprofit corporation shall assist the Superintendent in acquiring the necessary equipment, including computer hardware and software, to establish an electronic data transfer system. The private, nonprofit corporation shall also assist in arranging for training of District of Columbia public school employees in using such equipment.

(3) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the private, nonprofit corporation, not later than September 1, 1996, shall provide for an assessment of the availability, on the date of enactment of this Act, of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the private, nonprofit corporation—

(i) shall provide for onsite inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The private, nonprofit corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools, including—

(i) the extent to which typical District of Columbia public schools have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(4) *SHORT-TERM TECHNOLOGY PLAN.*—

(A) *IN GENERAL.*—Based upon the results of the technology assessment under paragraph (3), the private, nonprofit corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) *IMPLEMENTATION.*—The private, nonprofit corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(5) *LONG-TERM TECHNOLOGY PLAN.*—Prior to the completion of the implementation of the short-term technology plan under paragraph (4), the private, nonprofit corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(c) *DISTRICT EMPLOYMENT AND LEARNING CENTER.*—

(1) *ESTABLISHMENT.*—The private, nonprofit corporation shall establish a center to be known as the “District Employment and Learning Center” (in this subtitle referred to as the “center”), which shall serve as a regional institute providing job training and employment assistance.

(2) *DUTIES.*—

(A) *JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.*—The center shall establish a program to provide job training and employment assistance in the District of Columbia and shall coordinate with career preparation programs in existence on the date of enactment of this Act, such as vocational education, school-to-work, and career academies in the District of Columbia public schools.

(B) *CONDUCT OF PROGRAM.*—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate agencies of the District of Columbia Government to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Carl D. Perkins Vocational and Applied Technology Education

Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortium of colleges, universities, community colleges, businesses, and other appropriate providers, in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include need-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The private, nonprofit corporation shall establish initiatives with the District of Columbia public schools, and public charter schools, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the private, nonprofit corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as such programs are established in certain District of Columbia public schools, which provide a school-within-a-school concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

(e) PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.—

(1) ESTABLISHMENT OF PROGRAM.—The private, nonprofit corporation shall establish a consortium consisting of the corporation, teachers, school administrators, and the consortium of universities located in the District of Columbia (in existence on the date of the enactment of this Act), for the purpose of establishing a program for the professional development of teachers and school administrators employed by the District of Columbia public schools and public charter schools.

(2) *CONDUCT OF PROGRAM.*—In carrying out the program established under paragraph (1), the consortium established under such paragraph, in consultation with the task force established under subtitle D and the Superintendent, at a minimum, shall provide for the following:

(A) Professional development for teachers consistent with the model professional development programs for teachers under section 2411(b)(4), or consistent with the core curriculum developed by the Superintendent under section 2411(b)(2), as the case may be, except that for fiscal year 1996, such professional development shall focus on curriculum for elementary school grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

(B) Professional development for principals, with a special emphasis on middle school principals, focusing on effective practices that reduce the number of students who drop out of school.

(C) Private sector training of teachers in the use, application, and operation of state-of-the-art technology in education.

(D) Training for school principals and other school administrators in effective private sector management practices for the purpose of site-based management in the District of Columbia public schools, and training in the management of public charter schools established in accordance with this title.

SEC. 2705. MATCHING FUNDS.

The private, nonprofit corporation, to the extent practicable, shall provide matching funds, or in-kind contributions, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2704, as follows:

(1) For fiscal year 1996, the nonprofit corporation shall provide matching funds or in-kind contributions of \$1 for every \$1 of Federal funds provided under this subtitle for such year for activities under section 2704.

(2) For fiscal year 1997, the nonprofit corporation shall provide matching funds or in-kind contributions of \$3 for every \$1 of Federal funds provided under this subtitle for such year for activities under section 2704.

(3) For fiscal year 1998, the nonprofit corporation shall provide matching funds or in-kind contributions of \$5 for every \$1 of Federal funds provided under this subtitle for such year for activities under section 2704.

SEC. 2706. REPORT.

The private, nonprofit corporation shall prepare and submit to the appropriate congressional committees on a quarterly basis, or, with respect to fiscal year 1996, on a biannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2704, for the 3-month period ending on the date of the submission of the re-

port, or, with respect to fiscal year 1996, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2704(b)(3); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1996, the 6-month period beginning on the date of the submission of the report.

SEC. 2707. JOBS FOR D.C. GRADUATES PROGRAM.

(a) *IN GENERAL.*—The nonprofit corporation shall establish a program, to be known as the “Jobs for D.C. Graduates Program”, to assist District of Columbia public schools and public charter schools in organizing and implementing a school-to-work transition system, which system shall give priority to providing assistance to at-risk youths and disadvantaged youths.

(b) *CONDUCT OF PROGRAM.*—In carrying out the program established under subsection (a), the nonprofit corporation, consistent with the policies of the nationally recognized Jobs for America’s Graduates, Inc., shall—

(1) establish performance standards for such program;

(2) provide ongoing enhancement and improvements in such program;

(3) provide research and reports on the results of such program; and

(4) provide preservice and inservice training.

SEC. 2708. AUTHORIZATION OF APPROPRIATIONS.

(a) *AUTHORIZATION.*—

(1) *DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; AND WORKFORCE PREPARATION INITIATIVES.*—There are authorized to be appropriated to carry out subsections (a), (b), and (d) of section 2704, \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(2) *DEAL CENTER.*—There are authorized to be appropriated to carry out section 2704(c), \$2,000,000 for each of the fiscal years 1996, 1997, and 1998.

(3) *PROFESSIONAL DEVELOPMENT PROGRAM FOR TEACHERS AND ADMINISTRATORS.*—There are authorized to be appropriated to carry out section 2704(e), \$1,000,000 for each of the fiscal years 1996, 1997, and 1998.

(4) *JOBS FOR D.C. GRADUATES PROGRAM.*—There are authorized to be appropriated to carry out section 2707—

(A) \$2,000,000 for fiscal year 1996; and

(B) \$3,000,000 for each of the fiscal years 1997 through 2000.

(b) *AVAILABILITY.*—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2709. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) *TERMINATION OF FEDERAL SUPPORT.*—The authority under this subtitle to provide assistance to the private, nonprofit corporation or any other entity established pursuant to this subtitle shall terminate on October 1, 1998.

(b) *SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.*—It is the sense of the Congress that—

(1) the activities of the private, nonprofit corporation under section 2704 should continue to be carried out after October 1, 1998, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination for such activities after such date.

Subtitle J—Management and Fiscal Accountability

SEC. 2751. MANAGEMENT SUPPORT SYSTEMS.

(a) *FOOD SERVICES AND SECURITY SERVICES.*—Notwithstanding any other law, rule, or regulation, the Board of Education shall enter into a contract for academic year 1995–1996 and each succeeding academic year, for the provision of all food services operations and security services for the District of Columbia public schools, unless the Superintendent determines that it is not feasible and provides the Superintendent's reasons in writing to the Board of Education and the Authority.

(b) *DEVELOPMENT OF NEW MANAGEMENT AND DATA SYSTEMS.*—Notwithstanding any other law, rule, or regulation, the Board of Education shall, in academic year 1995–1996, consult with the Authority on the development of new management and data systems, as well as training of personnel to use and manage the systems in areas of budget, finance, personnel and human resources, management information services, procurement, supply management, and other systems recommended by the Authority. Such plans shall be consistent with, and contemporaneous to, the District of Columbia Government's development and implementation of a replacement for the financial management system for the District of Columbia Government in use on the date of enactment of this Act.

(c) *FISCAL YEAR 1996 FOR MANAGEMENT AND DATA SYSTEMS.*—Not less than \$1,500,000 of the amount appropriated under title I of this Act for staff, stipends, and other-than-personal-services of the Board of Education shall be available to carry out subsection (b).

SEC. 2752. ANNUAL REPORTING REQUIREMENTS.

(a) *IN GENERAL.*—The Board of Education shall annually compile an accurate and verifiable report on the positions and employees in the District of Columbia public school system. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools for fiscal year 1995, fiscal year 1996, and thereafter on a full-time equivalent basis, including a compilation of all positions by control center, responsibility

center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools as of December 31, of the year preceding the year for which the report is made, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) *SUBMISSION.*—The annual report required by subsection (a) shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 8, 1996, and each February 8 thereafter.

SEC. 2753. ANNUAL BUDGETS AND BUDGET REVISIONS.

(a) *IN GENERAL.*—Not later than October 1, 1996, or prior to 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs first, and each succeeding year thereafter, the Board of Education shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, a revised appropriated funds operating budget for the District of Columbia public school system for such fiscal year that is consistent with the total amount appropriated in an Act making appropriations for the District of Columbia for such fiscal year and that realigns budgeted data for personal services and other than personal services, with anticipated actual expenditures.

(b) *SUBMISSION.*—The revised budget required by subsection (a) shall be submitted in the format of the budget that the Board of Education submits to the Mayor for inclusion in the Mayor's budget submission to the District of Columbia Council pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198 (D.C. Code, sec. 47-301).

SEC. 2754. ACCESS TO FISCAL AND STAFFING DATA.

(a) *IN GENERAL.*—The budget, financial-accounting, personnel, payroll, procurement, and management information systems of the District of Columbia public schools shall be coordinated and interface with related systems of the District of Columbia Government.

(b) *ACCESS.*—The Board of Education shall provide read-only access to its internal financial management systems and all other data bases to designated staff of the Mayor, the Council, the Authority, and appropriate congressional committees.

SEC. 2755. DEVELOPMENT OF FISCAL YEAR 1997 BUDGET REQUEST.

(a) *IN GENERAL.*—The Board of Education shall develop its fiscal year 1997 gross operating budget and its fiscal year 1997 appropriated funds budget request in accordance with this section.

(b) *FISCAL YEAR 1996 BUDGET REVISION.*—Not later than February 15, 1996, the Board of Education shall develop, approve, and submit to the Mayor, the District of Columbia Council, the Authority, and appropriate congressional committees, a revised fiscal year 1996 gross operating budget that reflects the amount appropriated in the District of Columbia Appropriations Act, 1996, and which—

(1) is broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object; and

(2) indicates by position title, grade, and agency reporting code, all staff allocated to each District of Columbia public school as of October 15, 1995, and indicates on an object class basis all other-than-personal-services financial resources allocated to each school.

(c) *ZERO-BASE BUDGET.*—For fiscal year 1997, the Board of Education shall build its gross operating budget and appropriated funds request from a zero-base, starting from the local school level through the central office level.

(d) *SCHOOL-BY-SCHOOL BUDGETS.*—The Board of Education's initial fiscal year 1997 gross operating budget and appropriated funds budget request submitted to the Mayor, the District of Columbia Council, and the Authority shall contain school-by-school budgets and shall also—

(1) be broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object;

(2) indicate by position title, grade, and agency reporting code all staff budgeted for each District of Columbia public school, and indicate on an object class basis all other-than-personal-services financial resources allocated to each school; and

(3) indicate the amount and reason for all changes made to the initial fiscal year 1997 gross operating budget and appropriated funds request from the revised fiscal year 1996 gross operating budget required by subsection (b).

SEC. 2756. TECHNICAL AMENDMENTS.

Section 1120A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6322) is amended—

(1) in subsection (b)(1), by—

(A) striking “(A) Except as provided in subparagraph

(B), a State” and inserting “A State”; and

(B) striking subparagraph (B); and

(2) by adding at the end thereof the following new subsection:

“(d) *EXCLUSION OF FUNDS.*—For the purpose of complying with subsections (b) and (c), a State or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.”.

Subtitle K—Personal Accountability and Preservation of School-Based Resources

SEC. 2801. PRESERVATION OF SCHOOL-BASED STAFF POSITIONS.

(a) *RESTRICTIONS ON REDUCTIONS OF SCHOOL-BASED EMPLOYEES.*—To the extent that a reduction in the number of full-time equivalent positions for the District of Columbia public schools is required to remain within the number of full-time equivalent positions established for the public schools in appropriations Acts, no reductions shall be made from the full-time equivalent positions for

school-based teachers, principals, counselors, librarians, or other school-based educational positions that were established as of the end of fiscal year 1995, unless the Authority makes a determination based on student enrollment that—

(1) fewer school-based positions are needed to maintain established pupil-to-staff ratios; or

(2) reductions in positions for other than school-based employees are not practicable.

(b) *DEFINITION.*—The term “school-based educational position” means a position located at a District of Columbia public school or other position providing direct support to students at such a school, including a position for a clerical, stenographic, or secretarial employee, but not including any part-time educational aide position.

SEC. 2802. MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES.

The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.) is amended—

(1) in section 301 (D.C. Code, sec. 1.603.1)—

(A) by inserting after paragraph (13), the following new paragraph:

“(13A) The term ‘nonschool-based personnel’ means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students.”; and

(B) by inserting after paragraph (15), the following new paragraph:

“(15A) The term ‘school administrators’ means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools.”;

(2) in section 801A(b)(2) (D.C. Code, sec. 1-609.1(b)(2)(L)—

(A) by striking “(L) reduction-in-force” and inserting “(L)(i) reduction-in-force”; and

(B) by inserting after subparagraph (L)(i), the following new clause:

“(ii) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”; and

(3) in section 2402 (D.C. Code, sec. 1-625.2), by adding at the end the following new subsection:

“(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.”.

SEC. 2803. PUBLIC SCHOOL EMPLOYEE EVALUATIONS.

Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia public school employees shall be a nonnegotiable item for collective bargaining purposes.

SEC. 2804. PERSONAL AUTHORITY FOR PUBLIC SCHOOL EMPLOYEES.

(a) *IN GENERAL.*—Notwithstanding any other provision of law, rule, or regulation, an employee of a District of Columbia public school shall be—

- (1) *classified as an educational service employee;*
- (2) *placed under the personnel authority of the Board of Education; and*
- (3) *subject to all Board of Education rules.*

(b) *SCHOOL-BASED PERSONNEL.*—School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

Subtitle L—Establishment and Organization of the Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 2851. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) *ESTABLISHMENT.*—

(1) *IN GENERAL.*—There is established within the District of Columbia Government a Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) *MEMBERSHIP.*—The Consensus Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate.

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives.

(C) 2 members to be appointed by the President, of which 1 shall represent the local business community and 1 of which shall be a teacher in a District of Columbia public school.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the Board of Education.

(F) The Superintendent.

(G) The Mayor and District of Columbia Council Chairman shall each name 1 nonvoting *ex officio* member.

(H) The Chief of the National Guard Bureau who shall be an *ex officio* member.

(3) *TERMS OF SERVICE.*—The members of the Consensus Commission shall serve for a term of 3 years.

(4) *VACANCIES.*—Any vacancy in the membership of the Consensus Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) *QUALIFICATIONS.*—Members of the Consensus Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be residents of the District of Columbia and shall have a knowledge of public education in the District of Columbia.

(6) *CHAIR.*—The Chair of the Consensus Commission shall be chosen by the Consensus Commission from among its members, except that the President of the Board of Education and the Superintendent shall not be eligible to serve as Chair.

(7) *NO COMPENSATION FOR SERVICE.*—Members of the Consensus Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Consensus Commission.

(b) *EXECUTIVE DIRECTOR.*—The Consensus Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Consensus Commission. The Executive Director shall be paid at a rate determined by the Consensus Commission, except that such rate may not exceed the highest rate of pay payable for level EG-16 of the Educational Service of the District of Columbia.

(c) *STAFF.*—With the approval of the Chair and the Authority, the Executive Director may appoint and fix the pay of additional personnel as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) *SPECIAL RULE.*—The Board of Education, or the Authority, shall reprogram such funds, as the Chair of the Consensus Commission shall in writing request, from amounts available to the Board of Education.

SEC. 2852. PRIMARY PURPOSE AND FINDINGS.

(a) *PURPOSE.*—The primary purpose of the Consensus Commission is to assist in developing a long-term reform plan that has the support of the District of Columbia community through the participation of representatives of various critical segments of such community in helping to develop and approve the plan.

(b) *FINDINGS.*—The Congress finds that—

(1) experience has shown that the failure of the District of Columbia educational system has been due more to the failure to implement a plan than the failure to develop a plan;

(2) national studies indicate that 50 percent of secondary school graduates lack basic literacy skills, and over 30 percent of the 7th grade students in the District of Columbia public schools drop out of school before graduating;

(3) standard student assessments indicate only average performance for grade level and fail to identify individual students who lack basic skills, allowing too many students to graduate lacking these basic skills and diminishing the worth of a diploma;

(4) experience has shown that successful schools have good community, parent, and business involvement;

(5) experience has shown that reducing dropout rates in the critical middle and secondary school years requires individual student involvement and attention through such activities as arts or athletics; and

(6) experience has shown that close coordination between educators and business persons is required to provide noncollege-bound students the skills necessary for employment, and that personal attention is vitally important to assist each student in developing an appropriate career path.

SEC. 2853. DUTIES AND POWERS OF THE CONSENSUS COMMISSION.

(a) *PRIMARY RESPONSIBILITY.*—The Board of Education and the Superintendent shall have primary responsibility for developing and implementing the long-term reform plan for education in the District of Columbia.

(b) *DUTIES.*—The Consensus Commission shall—

(1) identify any obstacles to implementation of the long-term reform plan and suggest ways to remove such obstacles;

(2) assist in developing programs that—

(A) ensure every student in a District of Columbia public school achieves basic literacy skills;

(B) ensure every such student possesses the knowledge and skills necessary to think critically and communicate effectively by the completion of grade 8; and

(C) lower the dropout rate in the District of Columbia public schools;

(3) assist in developing districtwide assessments, including individual assessments, that identify District of Columbia public school students who lack basic literacy skills, with particular attention being given to grade 4 and the middle school years, and establish procedures to ensure that a teacher is made accountable for the performance of every such student in such teacher's class;

(4) make recommendations to improve community, parent, and business involvement in District of Columbia public schools and public charter schools;

(5) assess opportunities in the District of Columbia to increase individual student involvement and attention through such activities as arts or athletics, and make recommendations on how to increase such involvement; and

(6) assist in the establishment of procedures that ensure every District of Columbia public school student is provided the skills necessary for employment, including the development of individual career paths.

(c) *POWERS.*—The Consensus Commission shall have the following powers:

(1) To monitor and comment on the development and implementation of the long-term reform plan.

(2) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the long-term reform plan.

(3) To review and comment on the budgets of the Board of Education, the District of Columbia public schools and public charter schools.

(4) To recommend rules concerning the management and direction of the Board of Education that address obstacles to the development or implementation of the long-term reform plan.

(5) To review and comment on the core curriculum for kindergarten through grade 12 developed under subtitle D.

(6) To review and comment on a core curriculum for pre-kindergarten, vocational and technical training, and adult education.

(7) To review and comment on all other educational programs carried out by the Board of Education and public charter schools.

(8) To review and comment on the districtwide assessments for measuring student achievement in the core curriculum developed under subtitle D.

(9) To review and comment on the model professional development programs for teachers using the core curriculum developed under subtitle D.

(d) LIMITATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subtitle, the Consensus Commission shall have no powers to involve itself in the management or operation of the Board of Education with respect to the implementation of the long-term reform plan.

(2) SPECIAL RULE.—If the Consensus Commission determines that the Board of Education has failed to take an action necessary to develop or implement the long-term reform plan or that the Board of Education is unable to do so, the Consensus Commission shall request the Authority to take appropriate action, and the Authority shall take such action as the Authority deems appropriate, to develop or implement, as the case may be, the long-term reform plan.

SEC. 2854. IMPROVING ORDER AND DISCIPLINE.

(a) COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.—

(1) IN GENERAL.—Any student suspended from classes at a District of Columbia public school who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) EFFECTIVE DATE.—This subsection shall take effect on the first day of the 1996-1997 academic year.

(b) EXPIRATION DATE.—This section, and sections 2101(b)(1)(K) and 2851(a)(2)(H), shall cease to be effective on the last day of the 1997-1998 academic year.

(c) REPORT.—The Consensus Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in District of Columbia public schools and report its findings to the appropriate congressional committees not later than 60 days prior to the last day of the 1997-1998 academic year.

SEC. 2855. EDUCATIONAL PERFORMANCE AUDITS.

(a) IN GENERAL.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of the Board of Education to ensure, monitor, and evaluate the performance of the Board of Education

with respect to compliance with the long-term reform plan and such plan's overall educational achievement. The Consensus Commission shall conduct an annual review of the educational performance of the Board of Education with respect to meeting the goals of such plan for such year. The Board of Education shall cooperate and assist in the review or audit as requested by the Consensus Commission.

(b) AUDIT.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of any public charter school to assure, monitor, and evaluate the performance of the public charter school with respect to the content standards and districtwide assessments described in section 2411(b). The Consensus Commission shall receive a copy of each public charter school's annual report.

SEC. 2856. INVESTIGATIVE POWERS.

The Consensus Commission may investigate any action or activity which may hinder the progress of any part of the long-term reform plan. The Board of Education shall cooperate and assist the Consensus Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board of Education, the Superintendent, the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees.

SEC. 2857. RECOMMENDATIONS OF THE CONSENSUS COMMISSION.

(a) IN GENERAL.—The Consensus Commission may at any time submit recommendations to the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Board of Trustees of any public charter school and the Congress with respect to actions the District of Columbia Government or the Federal Government should take to ensure implementation of the long-term reform plan.

(b) AUTHORITY ACTIONS.—Pursuant to the District of Columbia Financial Responsibility and Management Assistance Act of 1995 or upon the recommendation of the Consensus Commission, the Authority may take whatever actions the Authority deems necessary to ensure the implementation of the long-term reform plan.

SEC. 2858. EXPIRATION DATE.

Except as otherwise provided in this subtitle, this subtitle shall be effective during the period beginning on the date of enactment of this Act and ending 7 years after such date.

Subtitle M—Parent Attendance at Parent-Teacher Conferences

SEC. 2901. POLICY.

Notwithstanding any other provision of law, the Mayor is authorized to develop and implement a policy encouraging all residents of the District of Columbia with children attending a District of Columbia public school to attend and participate in at least one parent-teacher conference every 90 days during the academic year.

Subtitle N—Low-Income Scholarships

SEC. 2921. DEFINITIONS.

As used in this subtitle—

(1) *the term “Board” means the Board of Directors of the Corporation established under section 2922(b)(1);*

(2) *the term “Corporation” means the District of Columbia Scholarship Corporation established under section 2922(a);*

(3) *the term “eligible institution”—*

(A) *in the case of an eligible institution serving a student who receives a tuition scholarship under section 2923(d)(1), means a private or independent elementary or secondary school; and*

(B) *in the case of an eligible institution serving a student who receives an enhanced achievement scholarship under section 2923(d)(2), means an elementary or secondary school, or an entity that provides services to a student enrolled in an elementary or secondary school to enhance such student’s achievement through activities described in section 2923(d)(2); and*

(4) *the term “poverty line” means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.*

SEC. 2922. DISTRICT OF COLUMBIA SCHOLARSHIP CORPORATION.

(a) **GENERAL REQUIREMENTS.—**

(1) **IN GENERAL.—***There is authorized to be established a private, nonprofit corporation, to be known as the “District of Columbia Scholarship Corporation”, which is neither an agency nor establishment of the United States Government or the District of Columbia Government.*

(2) **DUTIES.—***The Corporation shall have the responsibility and authority to administer, publicize, and evaluate the scholarship program in accordance with this subtitle, and to determine student and school eligibility for participation in such program.*

(3) **CONSULTATION.—***The Corporation shall exercise its authority—*

(A) *in a manner consistent with maximizing educational opportunities for the maximum number of interested families; and*

(B) *in consultation with the Board of Education, the Superintendent, the Consensus Commission, and other school scholarship programs in the District of Columbia.*

(4) **APPLICATION OF PROVISIONS.—***The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).*

(5) **RESIDENCE.—***The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.*

(6) *FUND.*—There is hereby established in the District of Columbia general fund a fund that shall be known as the “District of Columbia Scholarship Fund”.

(7) *DISBURSEMENT.*—The Mayor shall disburse to the Corporation, before October 15 of each fiscal year or not later than 15 days after the date of enactment of an Act making appropriations for the District of Columbia for such year, whichever occurs later, such funds as have been appropriated to the District of Columbia Scholarship Fund for the fiscal year for which such disbursement is made.

(8) *AVAILABILITY.*—Funds authorized to be appropriated under this subtitle shall remain available until expended.

(9) *USES.*—Funds authorized to be appropriated under this subtitle shall be used by the Corporation in a prudent and financially responsible manner, solely for scholarships, contracts, and administrative costs.

(10) *AUTHORIZATION.*—

(A) *IN GENERAL.*—There are authorized to be appropriated to the District of Columbia Scholarship Fund—

(i) \$5,000,000 for fiscal year 1996;

(ii) \$7,000,000 for fiscal year 1997; and

(iii) \$10,000,000 for each of fiscal years 1998 through 2000.

(B) *LIMITATION.*—Not more than \$250,000 of the amount appropriated to carry out this subtitle for any fiscal year may be used by the Corporation for any purpose other than assistance to students.

(b) *ORGANIZATION AND MANAGEMENT; BOARD OF DIRECTORS.*—

(1) *BOARD OF DIRECTORS; MEMBERSHIP.*—

(A) *IN GENERAL.*—The Corporation shall have a Board of Directors comprised of 7 members, with 6 members of the Board appointed by the President not later than 30 days after receipt of nominations from the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(B) *HOUSE NOMINATIONS.*—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Speaker of the House of Representatives, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the House of Representatives.

(C) *SENATE NOMINATIONS.*—The President shall appoint 2 members of the Board from a list of at least 6 individuals nominated by the Majority Leader of the Senate, and 1 member of the Board from a list of at least 3 individuals nominated by the Minority Leader of the Senate.

(D) *DEADLINE.*—The Speaker and Minority Leader of the House of Representatives and Majority Leader and Minority Leader of the Senate shall submit their nominations to the President not later than 30 days after the date of the enactment of this Act.

(E) *APPOINTEE OF MAYOR.*—The Mayor shall appoint 1 member of the Board not later than 60 days after the date of the enactment of this Act.

(F) *POSSIBLE INTERIM MEMBERS.*—If the President does not appoint the 6 members of the Board in the 30-day period described in subparagraph (A), then the Speaker of the House of Representatives and the Majority Leader of the Senate shall each appoint 2 members of the Board, and the Minority Leader of the House of Representatives and the Minority Leader of the Senate shall each appoint 1 of the Board, from among the individuals nominated pursuant to subparagraphs (A) and (B), as the case may be. The appointees under the preceding sentence together with the appointee of the Mayor, shall serve as an interim Board with all the powers and other duties of the Board described in this subtitle, until the President makes the appointments as described in this subsection.

(2) *POWERS.*—All powers of the Corporation shall vest in and be exercised under the authority of the Board.

(3) *ELECTIONS.*—Members of the Board annually shall elect 1 of the members of the Board to be chairperson of the Board.

(4) *RESIDENCY.*—All members appointed to the Board shall be residents of the District of Columbia at the time of appointment and while serving on the Board.

(5) *NONEMPLOYEE.*—No member of the Board may be an employee of the United States Government or the District of Columbia Government when appointed to or during tenure on the Board, unless the individual is on a leave of absence from such a position while serving on the Board.

(6) *INCORPORATION.*—The members of the initial Board shall serve as incorporators and shall take whatever steps are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(7) *GENERAL TERM.*—The term of office of each member of the Board shall be 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term.

(8) *CONSECUTIVE TERM.*—No member of the Board shall be eligible to serve in excess of 2 consecutive terms of 5 years each. A partial term shall be considered as 1 full term. Any vacancy on the Board shall not affect the Board's power, but shall be filled in a manner consistent with this subtitle.

(9) *NO BENEFIT.*—No part of the income or assets of the Corporation shall inure to the benefit of any Director, officer, or employee of the Corporation, except as salary or reasonable compensation for services.

(10) *POLITICAL ACTIVITY.*—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(11) *NO OFFICERS OR EMPLOYEES.*—The members of the Board shall not, by reason of such membership, be considered

to be officers or employees of the United States Government or of the District of Columbia Government.

(12) *STIPENDS.*—The members of the Board, while attending meetings of the Board or while engaged in duties related to such meetings or other activities of the Board pursuant to this subtitle, shall be provided a stipend. Such stipend shall be at the rate of \$150 per day for which the member of the Board is officially recorded as having worked, except that no member may be paid a total stipend amount in any calendar year in excess of \$5,000.

(13) *CONGRESSIONAL INTENT.*—Subject to the results of the program appraisal under section 2933, it is the intention of the Congress to turn over to District of Columbia officials the control of the Board at the end of the 5-year period beginning on the date of enactment of this Act, under terms and conditions to be determined at that time.

(c) *OFFICERS AND STAFF.*—

(1) *EXECUTIVE DIRECTOR.*—The Corporation shall have an Executive Director, and such other staff, as may be appointed by the Board for terms and at rates of compensation, not to exceed level EG-16 of the Educational Service of the District of Columbia, to be fixed by the Board.

(2) *STAFF.*—With the approval of the Board, the Executive Director may appoint and fix the salary of such additional personnel as the Executive Director considers appropriate.

(3) *ANNUAL RATE.*—No staff of the Corporation may be compensated by the Corporation at an annual rate of pay greater than the annual rate of pay of the Executive Director.

(4) *SERVICE.*—All officers and employees of the Corporation shall serve at the pleasure of the Board.

(5) *QUALIFICATION.*—No political test or qualification may be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(d) *POWERS OF THE CORPORATION.*—

(1) *GENERALLY.*—The Corporation is authorized to obtain grants from, and make contracts with, individuals and with private, State, and Federal agencies, organizations, and institutions.

(2) *HIRING AUTHORITY.*—The Corporation may hire, or accept the voluntary services of, consultants, experts, advisory boards, and panels to aid the Corporation in carrying out this subtitle.

(e) *FINANCIAL MANAGEMENT AND RECORDS.*—

(1) *AUDITS.*—The financial statements of the Corporation shall be—

(A) maintained in accordance with generally accepted accounting principles for nonprofit corporations; and

(B) audited annually by independent certified public accountants.

(2) *REPORT.*—The report for each such audit shall be included in the annual report to Congress required by section 2933(c).

SEC. 2923. SCHOLARSHIPS AUTHORIZED.

(a) *ELIGIBLE STUDENTS.*—The Corporation is authorized to award tuition scholarships under subsection (d)(1) and enhanced achievement scholarships under subsection (d)(2) to students in kindergarten through grade 12—

(1) who are residents of the District of Columbia; and

(2) whose family income does not exceed 185 percent of the poverty line.

(b) *SCHOLARSHIP PRIORITY.*—

(1) *FIRST.*—The Corporation shall first award scholarships to students described in subsection (a) who—

(A) are enrolled in a District of Columbia public school or preparing to enter a District of Columbia kindergarten, except that this subparagraph shall apply only for academic years 1996, 1997, and 1998; or

(B) have received a scholarship from the Corporation in the year preceding the year for which the scholarship is awarded.

(2) *SECOND.*—If funds remain for a fiscal year for awarding scholarships after awarding scholarships under paragraph (1), the Corporation shall award scholarships to students described in subsection (a) who are not described in paragraph (1).

(c) *SPECIAL RULE.*—The Corporation shall attempt to ensure an equitable distribution of scholarship funds to students at diverse academic achievement levels.

(d) *USE OF SCHOLARSHIP.*—

(1) *TUITION SCHOLARSHIPS.*—A tuition scholarship may be used only for the payment of the cost of the tuition and mandatory fees for, and transportation to attend, an eligible institution located within the geographic boundaries of the District of Columbia.

(2) *ENHANCED ACHIEVEMENT SCHOLARSHIP.*—An enhanced achievement scholarship may be used only for the payment of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction provided by an eligible institution which enhances student achievement of the core curriculum and is operated outside of regular school hours to supplement the regular school program;

(B) the costs of tuition and mandatory fees for, and transportation to attend, after-school activities that do not have an academic focus, such as athletics or music lessons; or

(C) the costs of tuition and mandatory fees for, and transportation to attend, vocational, vocational-technical, and technical training programs.

(e) *NOT SCHOOL AID.*—A scholarship under this subtitle shall be considered assistance to the student and shall not be considered assistance to an eligible institution.

SEC. 2924. SCHOLARSHIP PAYMENTS AND AMOUNTS.

(a) *AWARDS.*—From the funds made available under this subtitle, the Corporation shall award a scholarship to a student and make payments in accordance with section 2930 on behalf of such

student to a participating eligible institution chosen by the parent of the student.

(b) *NOTIFICATION.*—Each eligible institution that desires to receive payment under subsection (a) shall notify the Corporation not later than 10 days after—

(1) the date that a student receiving a scholarship under this subtitle is enrolled, of the name, address, and grade level of such student;

(2) the date of the withdrawal or expulsion of any student receiving a scholarship under this subtitle, of the withdrawal or expulsion; and

(3) the date that a student receiving a scholarship under this subtitle is refused admission, of the reasons for such a refusal.

(c) *TUITION SCHOLARSHIP.*—

(1) *EQUAL TO OR BELOW POVERTY LINE.*—For a student whose family income is equal to or below the poverty line, a tuition scholarship may not exceed the lesser of—

(A) the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$3,000 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) *ABOVE POVERTY LINE.*—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, a tuition scholarship may not exceed the lesser of—

(A) 50 percent of the cost of tuition and mandatory fees for, and transportation to attend, an eligible institution; or

(B) \$1,500 for fiscal year 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(d) *ENHANCED ACHIEVEMENT SCHOLARSHIP.*—

(1) *EQUAL TO OR BELOW POVERTY LINE.*—For a student whose family income is equal to or below the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) \$1,500 for 1996, with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(2) *ABOVE POVERTY LINE.*—For a student whose family income is greater than the poverty line, but not more than 185 percent of the poverty line, an enhanced achievement scholarship may not exceed the lesser of—

(A) 50 percent of the costs of tuition and mandatory fees for, and transportation to attend, a program of nonsectarian instruction at an eligible institution; or

(B) \$750 for fiscal year 1996 with such amount adjusted in proportion to changes in the Consumer Price Index for all urban consumers published by the Department of Labor for each of fiscal years 1997 through 2000.

(e) ALLOCATION OF FUNDS.—

(1) FEDERAL FUNDS.—

(A) PLAN.—The Corporation shall submit to the District of Columbia Council a proposed allocation plan for the allocation of Federal funds between the tuition scholarships under section 2923(d)(1) and enhanced achievement scholarships under section 2923(d)(2).

(B) CONSIDERATION.—Not later than 30 days after receipt of each such plan, the District of Columbia Council shall consider such proposed allocation plan and notify the Corporation in writing of its decision to approve or disapprove such allocation plan.

(C) OBJECTIONS.—In the case of a vote of disapproval of such allocation plan, the District of Columbia Council shall provide in writing the District of Columbia Council's objections to such allocation plan.

(D) RESUBMISSION.—The Corporation may submit a revised allocation plan for consideration to the District of Columbia Council.

(E) PROHIBITION.—No Federal funds provided under this subtitle may be used for any scholarship until the District of Columbia Council has approved the allocation plan for the Corporation.

(2) PRIVATE FUNDS.—The Corporation shall annually allocate unrestricted private funds equitably, as determined by the Board, for scholarships under paragraph (1) and (2) of section 2923(d), after consultation with the public, the Mayor, the District of Columbia Council, the Board of Education, the Superintendent, and the Consensus Commission.

SEC. 2925. CERTIFICATION OF ELIGIBLE INSTITUTIONS.

(a) APPLICATION.—An eligible institution that desires to receive a payment on behalf of a student who receives a scholarship under this subtitle shall file an application with the Corporation for certification for participation in the scholarship program under this subtitle. Each such application shall—

(1) demonstrate that the eligible institution has operated with not less than 25 students during the 3 years preceding the year for which the determination is made unless the eligible institution is applying for certification as a new eligible institution under subsection (c);

(2) contain an assurance that the eligible institution will comply with all applicable requirements of this subtitle;

(3) provide the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards, completed not earlier than 3 years before the date such application is filed;

(4) describe the eligible institution's proposed program, including personnel qualifications and fees;

(5) contain an assurance that a student receiving a scholarship under this subtitle shall not be required to attend or participate in a religion class or religious ceremony without the written consent of such student's parent;

(6) contain an assurance that funds received under this subtitle will not be used to pay the costs related to a religion class or a religious ceremony, except that such funds may be used to pay the salary of a teacher who teaches such class or participates in such ceremony if such teacher also teaches an academic class at such eligible institution;

(7) contain an assurance that the eligible institution will abide by all regulations of the District of Columbia Government applicable to such eligible institution; and

(8) contain an assurance that the eligible institution will implement due process requirements for expulsion and suspension of students, including at a minimum, a process for appealing the expulsion or suspension decision.

(b) CERTIFICATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after receipt of an application in accordance with subsection (a), the Corporation shall certify an eligible institution to participate in the scholarship program under this subtitle.

(2) CONTINUATION.—An eligible institution's certification to participate in the scholarship program shall continue unless such eligible institution's certification is revoked in accordance with subsection (d).

(3) EXCEPTION FOR 1996.—For fiscal year 1996 only, and after receipt of an application in accordance with subsection (a), the Corporation shall certify the eligibility of an eligible institution to participate in the scholarship program under this subtitle at the earliest practicable date.

(c) NEW ELIGIBLE INSTITUTION.—

(1) IN GENERAL.—An eligible institution that did not operate with at least 25 students in the 3 years preceding the year for which the determination is made may apply for a 1-year provisional certification to participate in the scholarship program under this subtitle for a single year by providing to the Corporation not later than July 1 of the year preceding the year for which the determination is made—

(A) a list of the eligible institution's board of directors;

(B) letters of support from not less than 10 members of the community served by such eligible institution;

(C) a business plan;

(D) an intended course of study;

(E) assurances that the eligible institution will begin operations with not less than 25 students;

(F) assurances that the eligible institution will comply with all applicable requirements of this subtitle; and

(G) a statement that satisfies the requirements of paragraph (2), and paragraphs (4) through (8), of subsection (a).

(2) CERTIFICATION.—Not later than 60 days after the date of receipt of an application described in paragraph (1), the Cor-

poration shall certify in writing the eligible institution's provisional certification to participate in the scholarship program under this subtitle unless the Corporation determines that good cause exists to deny certification.

(3) *RENEWAL OF PROVISIONAL CERTIFICATION.*—After receipt of an application under paragraph (1) from an eligible institution that includes an audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 12 months before the date such application is filed, the Corporation shall renew an eligible institution's provisional certification for the second and third years of the school's participation in the scholarship program under this subtitle unless the Corporation finds—

(A) good cause to deny the renewal, including a finding of a pattern of violation of requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(4) *DENIAL OF CERTIFICATION.*—If provisional certification or renewal of provisional certification under this subsection is denied, then the Corporation shall provide a written explanation to the eligible institution of the reasons for such denial.

(d) *REVOCAION OF ELIGIBILITY.*—

(1) *IN GENERAL.*—The Corporation, after notice and hearing, may revoke an eligible institution's certification to participate in the scholarship program under this subtitle for a year succeeding the year for which the determination is made for—

(A) good cause, including a finding of a pattern of violation of program requirements described in section 2926(a); or

(B) consistent failure of 25 percent or more of the students receiving scholarships under this subtitle and attending such school to make appropriate progress (as determined by the Corporation) in academic achievement.

(2) *EXPLANATION.*—If the certification of an eligible institution is revoked, the Corporation shall provide a written explanation of its decision to such eligible institution and require a pro rata refund of the payments received under this subtitle.

SEC. 2926. PARTICIPATION REQUIREMENTS FOR ELIGIBLE INSTITUTIONS.

(a) *REQUIREMENTS.*—Each eligible institution participating in the scholarship program under this subtitle shall—

(1) provide to the Corporation not later than June 30 of each year the most recent audit of the financial statements of the eligible institution by an independent certified public accountant using generally accepted auditing standards completed not earlier than 3 years before the date the application is filed; and

(2) charge a student that receives a scholarship under this subtitle the same amounts for the cost of tuition and mandatory fees for, and transportation to attend, such eligible institution

as other students who are residents of the District of Columbia and enrolled in such eligible institution.

(b) *COMPLIANCE.*—The Corporation may require documentation of compliance with the requirements of subsection (a), but neither the Corporation nor any governmental entity may impose additional requirements upon an eligible institution as a condition of participation in the scholarship program under this subtitle.

SEC. 2927. CIVIL RIGHTS.

(a) *IN GENERAL.*—An eligible institution participating in the scholarship program under this subtitle shall be deemed to be a recipient of Federal financial assistance for the purposes of the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(b) *REVOCATION.*—Notwithstanding section 2926(b), if the Secretary of Education determines that an eligible institution participating in the scholarship program under this subtitle is in violation of any of the laws listed in subsection (a), then the Corporation shall revoke such eligible institution's certification to participate in the program.

SEC. 2928. CHILDREN WITH DISABILITIES.

(a) *IN GENERAL.*—Nothing in this subtitle shall affect the rights of students or the obligations of the District of Columbia public schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(b) *PRIVATE OR INDEPENDENT SCHOOL SCHOLARSHIPS.*—

(1) *DETERMINATION OF ELIGIBILITY FOR SERVICES.*—If requested by either a parent of a child with a disability who attends a private or independent school receiving funding under this subtitle or by the private or independent school receiving funding under this subtitle, the Board of Education shall determine the eligibility of such child for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) *REQUIREMENTS.*—If a child is determined eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), the Board of Education shall—

(A) develop an individualized education program, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), for such child; and

(B) negotiate with the private or independent school to deliver to such child the services described in the individualized education program.

(3) *APPEAL.*—If the Board of Education determines that a child is not eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) pursuant to paragraph (1), such child shall retain the right to appeal such determination under such Act as if such child were attending a District of Columbia public school.

SEC. 2929. CONSTRUCTION PROHIBITION.

No funds under this subtitle may be used for construction of facilities.

SEC. 2930. SCHOLARSHIP PAYMENTS.

(a) *IN GENERAL.*—

(1) *PROPORTIONAL PAYMENT.*—The Corporation shall make scholarship payments to participating eligible institutions on a schedule established by the Corporation.

(2) *PRO RATA AMOUNTS FOR STUDENT WITHDRAWAL.*—

(A) *BEFORE PAYMENT.*—If a student receiving a scholarship withdraws or is expelled from an eligible institution before a scholarship payment is made, the eligible institution shall receive a pro rata payment based on the amount of the scholarship and the number of days the student was enrolled in the eligible institution.

(B) *AFTER PAYMENT.*—If a student receiving a scholarship withdraws or is expelled after a scholarship payment is made, the eligible institution shall refund to the Corporation on a pro rata basis the proportion of any scholarship payment received for the remaining days of the school year. Such refund shall occur not later than 30 days after the date of the withdrawal or expulsion of the student.

(b) *FUND TRANSFERS.*—The Corporation shall make scholarship payments to participating eligible institutions by electronic funds transfer. If such an arrangement is not available, then the eligible institution shall submit an alternative payment proposal to the Corporation for approval.

SEC. 2931. APPLICATION SCHEDULE AND PROCEDURES.

The Corporation shall implement a schedule and procedures for processing applications for awarding student scholarships under this subtitle that includes a list of certified eligible institutions, distribution of information to parents and the general public (including through a newspaper of general circulation), and deadlines for steps in the scholarship application and award process.

SEC. 2932. REPORTING REQUIREMENTS.

(a) *IN GENERAL.*—An eligible institution participating in the scholarship program under this subtitle shall report not later than July 30 of each year in a manner prescribed by the Corporation, the following data:

(1) Student achievement in the eligible institution's programs.

(2) Grade advancement for scholarship students.

(3) Disciplinary actions taken with respect to scholarship students.

(4) Graduation, college admission test scores, and college admission rates, if applicable for scholarship students.

(5) Types and amounts of parental involvement required for all families of scholarship students.

(6) Student attendance for scholarship and nonscholarship students.

(7) General information on curriculum, programs, facilities, credentials of personnel, and disciplinary rules at the eligible institution.

(8) Number of scholarship students enrolled.

(9) Such other information as may be required by the Corporation for program appraisal.

(b) *CONFIDENTIALITY.*—No personal identifiers may be used in such report, except that the Corporation may request such personal identifiers solely for the purpose of verification.

SEC. 2933. PROGRAM APPRAISAL.

(a) *STUDY.*—Not later than 4 years after the date of enactment of this Act, the Department of Education shall provide for an independent evaluation of the scholarship program under this subtitle, including—

(1) a comparison of test scores between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level;

(2) a comparison of graduation rates between scholarship students and District of Columbia public school students of similar backgrounds, taking into account the students' academic achievement at the time of the award of their scholarships and the students' family income level; and

(3) the satisfaction of parents of scholarship students with the scholarship program.

(b) *PUBLIC REVIEW OF DATA.*—All data gathered in the course of the study described in subsection (a) shall be made available to the public upon request except that no personal identifiers shall be made public.

(c) *REPORT TO CONGRESS.*—Not later than September 1 of each year, the Corporation shall submit a progress report on the scholarship program to the appropriate congressional committees. Such report shall include a review of how scholarship funds were expended, including the initial academic achievement levels of students who have participated in the scholarship program.

(d) *AUTHORIZATION.*—There are authorized to be appropriated for the study described in subsection (a), \$250,000, which shall remain available until expended.

SEC. 2934. JUDICIAL REVIEW.

The United States District Court for the District of Columbia shall have jurisdiction over any constitutional challenges to the scholarship program under this subtitle and shall provide expedited review.

And the Senate agree to the same.

JAMES T. WALSH,
HENRY BONILLA,
JACK KINGSTON,
RODNEY P. FRELINGHUYSEN,
MARK W. NEUMANN,
BOB LIVINGSTON,
Managers on the Part of the House.

JIM JEFFORDS,
BEN NIGHORSE CAMPBELL,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on the District of Columbia Appropriations Act, 1996, incorporates some of the provisions of both the House and Senate versions of the bill. The language and allocations set forth in House Report 104-294 and Senate Report 104-144 are to be complied with unless specifically addressed in the accompanying bill and statement of the managers to the contrary. The conference agreement also includes various technical changes to titles, headings and section numbers.

LIMITATION ON OPERATING EXPENDITURES

The conference agreement includes a limitation on operating expenditures of \$4,994,000,000, instead of \$4,867,283,000 as proposed by the House and \$5,137,083,000 as proposed by the Senate. The conference agreement is \$154,347,000 below the District's August 8, 1995 request of \$5,148,347,000. Language under "Personal and Nonpersonal Services Adjustments" requires a net reduction of \$150,907,000 in personal and nonpersonal services to meet the limitation on operating expenditures. The language also provides that the reduction is to be made by the District's Chief Financial Officer on behalf of the Mayor in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

CONGRESSIONAL CONCERNS REFERRED TO THE AUTHORITY

House Report 104-294 identified 28 items of congressional concern which were referred to the District of Columbia Financial Responsibility and Management Assistance Authority. The conferees request the Authority to resolve those items at the local level and to report to the House and Senate Committees on Appropriations by April 1, 1996 instead of March 1, 1996 as required in the House report, concerning the disposition of those that have been resolved and recommendations to resolve the others. The conferees recognize that between the present and March 1, 1996 the members and staff of the Authority will be focused on fulfilling one of the require-

ments of title II of the District of Columbia Financial Responsibility and Management Assistance Act pertaining to the consideration and approval of the fiscal year 1997 financial plan and budget. However, the conferees recognize too that an important part of title II, specifically section 222, addresses the need to improve the management and delivery of services of the District government. The conferees believe that both the financial and management problems of the District government must be addressed together as the Authority conducts its work. According to information from the General Accounting Office, a common action taken in cities in financial trouble was an improvement in city management. The conferees believe that the Authority should give equal attention to this area as it does to the financial area in working to remedy the fiscal problems of the District.

CONGRESSIONAL SUPPORT OF THE AUTHORITY

The conferees fully support the Financial Management Authority and its actions and are confident that the Authority will take appropriate actions in the future that are necessary to restore financial stability to the District of Columbia. The financial difficulties encountered by the District government are grave, but by no means insurmountable. The conferees recognize the leadership demonstrated by the Financial Management Authority in challenging the status quo to bring about a profound change in the District's direction which was headed toward financial insolvency and is now being redirected toward financial stability. The conferees are pleased with the actions taken by the Authority and its staff and recognize that even more difficult and unpopular decisions lie ahead. Those decisions, which now rest with the Authority, have been avoided for far too long and have led to disastrous consequences. The conferees recognize the difficulty and strongly support the Authority and its staff in their actions.

CHILDREN'S NATIONAL MEDICAL CENTER

The conferees strongly support the work of Children's National Medical Center's Community Pediatric Health Centers (CPHC) which bring primary health care services to approximately 7,000 low income, high risk children annually in the Shaw and Adams Morgan neighborhoods.

For twenty-eight years, the Community Pediatric Health Centers have contributed services to an underserved population, some of which are third generation clients. This program has succeeded in significantly reducing hospitalization rates and the impact of childhood diseases by providing early intervention and comprehensive primary care and preventive health care services at a cost-savings to the District government in fiscal year 1995 of approximately \$146,000 based on 15,000 visits. Only 1 percent of CPHC patients have been hospitalized, and they have a 98 percent immunization rate by age two.

The conferees are aware that the District government has canceled its health services contracts with the Community Pediatric Health Centers effective March 1995. The contract included a subsidy of \$18.77 per visit which totaled \$262,000 annually. According

to information supplied to the conferees, this subsidy, which was made available primarily to the uninsured who have no alternative sources for funding, was only a portion of the total direct per visit cost of providing care to these children and has not increased in a decade. The conferees are informed that Children's National Medical Center has used its own operating revenues to subsidize the clinics for years, but the District's actions have threatened the viability of the clinics by doubling their annual operating deficit to \$700,000.

It appears that Children's National Medical Center will be forced to close or severely reduce services provided at the clinics unless immediate funding requirements are met to sustain operations. The conferees are concerned about the financial impact to the District government if the closure of these clinics occurs. The conferees therefore expect District officials to immediately reassess their priorities and evaluate the potential additional costs to the District government should these patients be forced to seek alternative medical care, including hospitalization. This reassessment must be reflected in the budget and financial plan for fiscal years 1996 and 1997 submitted to the Financial Management Authority on February 1, 1996.

YCARE 2000 PRIVATE-PUBLIC PARTNERSHIP

The conferees fully support the YCARE 2000 program sponsored by the YMCA of Metropolitan Washington. The program provides work-readiness, conflict resolution training, tutoring, socialization and other skills to at-risk District youth who are in the age range of 5 to 18 years old. The conferees believe that YCARE 2000 is an example of an efficient and well-managed private-public partnership which can provide social services to improve the lives and futures of the city's young people. The conferees note that the Council of the District of Columbia has formally recognized the achievements of the YCARE 2000 initiative in a July 11, 1995 resolution.

In order to provide and facilitate private-public partnerships such as YCARE 2000, the conferees request that the Mayor consult with representatives of private, not-for-profit community organizations with demonstrated experience and expertise in providing services to children and youth in the District and, to the extent financial constraints permit, make funds available to such groups on the condition that the groups themselves provide equal matching amounts.

DISTRICT OF COLUMBIA APPROPRIATIONS

Senate Amendment: The Senate deleted the entire House bill after the enacting clause and inserted the text of the Senate passed bill (S. 1244). The conference agreement includes a revised bill consisting of titles I and II.

A comparative summary showing amounts appropriated by title starting with the fiscal year 1995 approved budget to the fiscal year 1996 recommended level is included at the end of this joint statement.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

The conference action inserts a title and fiscal year heading to separate appropriations matter from education reform legislation relative to the District of Columbia public schools which is in Title II. The conference action also appropriates a Federal payment of \$660,000,000 as proposed by the House and the Senate.

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

The conference action appropriates \$52,070,000 instead of \$52,000,000 as proposed by the House and the Senate. The increase of \$70,000 above the House and Senate allowances reflects the amount authorized as well as the amount requested by the District government.

FEDERAL CONTRIBUTION FOR EDUCATION REFORM

The conference action appropriates \$14,930,000 for Education Reform for the District of Columbia Public Schools and requires that the amount be placed in an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority and disbursed by the Authority in accordance with title II of this Act. Language is included in the bill prohibiting the use of these funds for any indirect cost charges by the D.C. Board of Education, the D.C. public school system, or the District government. A detailed explanation on the use of these funds is included in title II of this joint statement. A listing of the allocation follows:

- \$200,000 for charter schools;
- \$300,000 for the Public Charter School Board;
- \$2,000,000 for Even Start programs;
- \$500,000 for the Federal General Services Administration for engineering plans relative to D.C. public school facilities;
- \$100,000 to develop plans for a residential school;
- \$702,000 for the District Education and Learning Technologies Advancement Council which is part of the Partnerships With Business program;
- \$1,404,000 for the District Employment and Learning Center within the Partnerships With Business program;
- \$1,000,000 for a professional development program for teachers and administrators which is also within the Partnerships With Business program;
- \$1,404,000 for Jobs for D.C. Graduates within the Partnerships With Business program;
- \$70,000 for the Everybody Wins program;
- \$100,000 for the Fit Kids program;
- \$250,000 for the operations of the Consensus Commission on Public School Reform; and
- \$5,000,000 for low-income scholarships.

GOVERNMENTAL DIRECTION AND SUPPORT

The conference action appropriates \$149,130,000 and 1,498 full-time equivalent positions including \$117,464,000 and 1,158 full-time equivalent positions from local funds, \$2,464,000 and 5 full-time equivalent positions from Federal funds, \$4,474,000 and 71 full-time equivalent positions from other funds, and \$24,728,000 and 264 full-time equivalent positions from intra-District funds instead of \$149,793,000 and 1,465 full-time equivalent positions including \$118,167,000 and 1,125 full-time equivalent positions from local funds, \$2,464,000 and 5 full-time equivalent positions from Federal funds, \$4,474,000 and 71 full-time equivalent positions from other funds, and \$24,688,000 and 264 full-time equivalent positions from intra-District funds as proposed by the House and \$150,721,000 and 1,465 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The net decrease of \$1,591,000 below the Senate allowance consists of an increase of \$889,000 for the Board of Elections and Ethics and a reduction of \$2,480,000 associated with the decrease of 160 full-time equivalent positions recommended by the Financial Management Authority as adjusted to reflect the restoration of 5 full-time equivalent positions for the operation of the Contract Appeals Board.

The conferees have included \$3,015,000 and 63 full-time equivalent positions for the Board of Elections and Ethics instead of \$2,606,000 and 35 full-time equivalent positions as recommended by the Financial Management Authority and proposed by the House and \$2,126,000 and 35 full-time equivalent positions as requested by the District government and proposed by the Senate. The increase of \$889,000 and 28 full-time equivalent positions above the Senate allowance will provide the funds and positions necessary to conduct the District's two primary elections in fiscal year 1996. This increase is based on correspondence from the Chairman of the Council of the District of Columbia and officials of the Board of Elections and Ethics.

The conference agreement provides \$511,000 and 5 full-time equivalent positions for the Contract Appeals Board as requested in the District's revised budget dated August 8, 1995.

The conference action prohibits the use of revenues from Federal sources to support the operations or activities of the Statehood Commission and Statehood Compact Commission and requires the District to identify the sources of funding for Admission to Statehood from its own locally-generated revenues as proposed by the Senate. The House bill had no similar provision.

Capital needs study and new FMS.—The conference agreement provides \$29,500,000 for pay-as-you-go capital projects of which \$1,500,000 is for a capital needs assessment study and \$28,000,000 is for the possible purchase of a new financial management system that would serve all District agencies including those that are considered independent such as the Board of Education and the Courts as proposed by the House and the Senate. The conference action also provides that \$2,000,000 of the \$28,000,000 shall be made available immediately for the first two phases of the project and

that the remaining \$26,000,000 be made available after the evaluation and assessment resulting from phases one and two have been reviewed during a 30-day Congressional layover. The House proposal required that the Financial Management Authority submit a report to the General Accounting Office within 90 days after the date of enactment of this Act for a 60-day review period to be followed by a 30-day Congressional layover. The Senate proposal required the Financial Management Authority to give prior approval to the work plan and procurement documents for necessary hardware and software before commencing work on phase 3, as described in the Authority's report dated August 15, 1995.

The conferees note that the present FMS was designed and installed as a state-of-the-art system 15 years ago at which time it was estimated to cost \$16,000,000. However, because of various matters that were overlooked or not thoroughly evaluated the cost of the system more than doubled to \$38,000,000. The conferees also note that the General Accounting Office reported on June 21, 1995 that: "* * * Millions of dollars of bills are not entered into the Financial Management System until months and sometimes years after they are paid." The conferees expect such problems to be addressed and corrected as part of the phased approach to evaluate the present system's capabilities.

The conferees expect the evaluation and assessment report to specify the deficiencies in the present financial management system and to recommend improvements to the present system as well as options other than purchasing a new financial management system. To provide the best cost estimates possible and to insure the proper identification of the problems with the present FMS as well as to avoid any delays in installing a new FMS, should one be needed, the General Accounting Office is requested to review and monitor the assessment process closely as it is being performed so that a thorough and completely objective and competent assessment is provided to the Congress.

The following summary shows the allocation of the Governmental Direction and Support appropriation by agency from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

GOVERNMENTAL DIRECTION AND SUPPORT

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request fiscal year 1996	Authority recommended fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Council of the District of Columbia	\$8,848,000	\$8,380,000	\$8,380,000	\$8,284,000	\$8,284,000	\$8,380,000	\$8,380,000
Office of the District of Columbia Auditor	1,029,000	1,057,000	961,000	961,000	961,000	961,000	961,000
Advisory Neighborhood Commissions	1,196,000	572,000	572,000	572,000	572,000	572,000	572,000
Office of the Mayor	1,552,000	1,753,000	1,753,000	1,753,000	1,753,000	1,753,000	1,753,000
Office of the Secretary	2,380,000	2,721,000	2,497,000	2,529,000	2,529,000	2,497,000	2,497,000
Office of Inspector General	1,283,000	792,000	728,000	760,000	760,000	728,000	728,000
Office of Communications	339,000	300,000	300,000	284,000	284,000	300,000	300,000
Office of Intergovernmental Relations	1,528,000	1,831,000	1,735,000	1,623,000	1,623,000	1,735,000	1,735,000
Office of City Administrator/Deputy Mayor of Operations	10,509,000	2,776,000	4,776,000	4,680,000	4,680,000	4,776,000	4,776,000
Office of Personnel	0	12,217,000	11,828,000	11,716,000	11,716,000	11,828,000	11,220,000
Department of Administrative Services	40,720,000	29,621,000	39,496,000	38,496,000	38,496,000	39,168,000	38,288,000
Contract Appeals Board	647,000	607,000	511,000	479,000	479,000	511,000	511,000
Office of the Deputy Mayor for Finance	318,000	320,000	320,000	320,000	320,000	320,000	320,000
Office of the Budget	2,645,000	2,606,000	4,042,000	3,946,000	3,946,000	4,042,000	4,010,000
Office of Financial Management	15,146,000	23,417,000	43,329,000	43,377,000	43,377,000	43,329,000	43,009,000
Department of Finance and Revenue	21,218,000	25,143,000	21,535,000	21,487,000	21,487,000	21,535,000	21,183,000
Board of Elections and Ethics	2,612,000	3,086,000	2,126,000	2,606,000	2,606,000	2,126,000	3,015,000
Office of Campaign Finance	1,018,000	997,000	933,000	805,000	805,000	933,000	773,000
Public Employee Relations Board	502,000	486,000	486,000	470,000	470,000	486,000	470,000
Office of Employee Appeals	1,741,000	1,509,000	1,477,000	1,429,000	1,429,000	1,477,000	1,413,000
D.C. Retirement Board	12,432,000	0	0	0	0	0	0
Metropolitan Washington Council of Governments	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Statehood Commission	150,000	0	0	0	0	0	0
Office of Grants Management and Development	2,864,000	2,864,000	2,864,000	2,816,000	2,816,000	2,864,000	2,816,000
Total, Government Direction and Support	131,077,000	123,455,000	150,721,000	149,793,000	149,793,000	150,721,000	149,130,000

¹ Does not reflect allocation of Personal and Nonpersonal Services Adjustment of -\$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

ECONOMIC DEVELOPMENT AND REGULATION

The conference action appropriates \$140,983,000 and 1,692 full-time equivalent positions, including \$68,203,000 and 698 full-time equivalent positions from local funds, \$38,792,000 and 509 full-time equivalent positions from Federal funds, \$17,658,000 and 258 full-time equivalent positions from other funds, and \$16,330,000 and 227 full-time equivalent positions from intra-District funds instead of \$139,285,000 and 1,692 full-time equivalent positions including \$66,505,000 and 696 full-time equivalent positions from local funds, \$38,792,000 and 509 full-time equivalent positions from Federal funds, \$17,658,000 and 260 full-time equivalent positions from other funds, and \$16,330,000 and 227 full-time equivalent positions from intra-District funds as proposed by the House and \$142,711,000 and 1,692 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The decrease below the Senate allowance reflects a reduction of \$1,728,000 associated with the decrease of 108 full-time equivalent positions as recommended by the Financial Management Authority.

The following summary shows the allocation of the Economic Development and Regulation appropriation by agency from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

ECONOMIC DEVELOPMENT AND REGULATION

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request fiscal year 1996	Authority recommended fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Assistant City Administrator for Economic Development	\$4,531,000	\$4,039,000	\$4,039,000	\$3,847,000	\$3,847,000	\$4,039,000	\$3,943,000
Office of Banking and Financial Institutions	627,000	296,000	296,000	296,000	296,000	296,000	296,000
Office of Tourism and Promotion	463,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Office of Planning	3,116,000	2,019,000	2,019,000	1,955,000	1,955,000	2,019,000	1,955,000
Office of Zoning	611,000	653,000	589,000	523,000	523,000	589,000	541,000
Department of Housing and Community Development	17,154,000	16,196,000	16,036,000	15,508,000	15,508,000	16,036,000	15,988,000
Department of Public and Assisted Housing	76,573,000	73,176,000	8,500,000	8,420,000	8,420,000	8,500,000	8,420,000
Department of Employment Services	0	65,909,000	64,821,000	63,397,000	63,397,000	64,821,000	63,925,000
Board of Appeals and Review	130,000	147,000	147,000	131,000	131,000	147,000	131,000
Board of Real Property Assessments and Appeals	453,000	386,000	370,000	338,000	338,000	370,000	338,000
Department of Consumer and Regulatory Affairs	37,149,000	36,701,000	36,797,000	36,285,000	36,285,000	36,797,000	36,349,000
Public Service Commission	6,192,000	5,600,000	5,600,000	6,080,000	6,080,000	5,600,000	5,600,000
Office of the People's Counsel	2,859,000	2,497,000	2,497,000	1,505,000	1,505,000	2,497,000	2,497,000
Total, Economic Development and Regulation	149,858,000	208,619,000	142,711,000	139,285,000	139,285,000	142,711,000	140,983,000

¹ Does not reflect allocation of Personal and Nonpersonal Services Adjustment of — \$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

PUBLIC SAFETY AND JUSTICE

The conference action appropriates \$963,848,000 and 11,544 full-time equivalent positions, including \$940,631,000 and 11,365 full-time equivalent positions from local funds, \$8,942,000 and 70 full-time equivalent positions from Federal funds, \$5,160,000 and 4 full-time equivalent positions from other funds, and \$9,115,000 and 105 full-time equivalent positions from intra-District funds instead of \$954,106,000 and 11,544 full-time equivalent positions including \$930,889,000 and 11,365 full-time equivalent positions from local funds, \$8,942,000 and 70 full-time equivalent positions from Federal funds, \$5,160,000 and 4 full-time equivalent positions from other funds, and \$9,115,000 and 105 full-time equivalent positions from intra-District funds as proposed by the House and \$960,747,000 and 11,544 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The net increase of \$3,101,000 above the Senate allowance reflects an increase of \$3,325,000 for the Police and Firefighters Retirement Fund and a reduction of \$224,000 associated with the decrease of 14 full-time equivalent positions recommended by the Financial Management Authority.

The conference action provides \$220,000,000 for the Police and Firefighters Retirement Fund instead of \$216,908,000 as proposed by the House and \$216,675,000 as proposed by the Senate. The House allowance is based on the recommendations of the Financial Management Authority and the Senate allowance is based on the District's revised budget request. The conference allowance of \$220,000,000 is based on the certification of the D.C. Retirement Board as required by section 142(c)(2) of the D.C. Retirement Reform Act (Public Law 96-122, approved November 17, 1979; 93 Stat. 880). District officials failed to include the statutorily required amount in their budget request.

The conference action allocates funds under the Metropolitan Police Department for the Georgetown Summer Detail (\$250,000), East of the River Detail (\$200,000), Adams Morgan detail (\$100,000), and the Capitol Hill Summer Detail (\$100,000) as proposed by the Senate.

The conferees did not approve bill language proposed by the Senate that would have limited the number of inmates housed in District operated or contracted community correctional centers to no more than 1,000 on any given date.

The following summary shows the allocation of the Public Safety and Justice appropriation by agency from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

PUBLIC SAFETY AND JUSTICE

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request fiscal year 1996	Authority recommended fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Metropolitan Police Department	\$231,168,000	\$246,357,000	\$245,717,000	\$246,011,000	\$246,011,000	\$245,717,000	\$245,717,000
Fire and Emergency Medical Services Department	73,149,000	87,292,000	87,292,000	86,860,000	86,860,000	87,292,000	87,292,000
Police and Fire Retirement System	204,900,000	216,675,000	216,675,000	216,908,000	216,908,000	216,675,000	220,000,000
Judges' Retirement System	5,100,000	4,700,000	4,700,000	4,700,000	4,700,000	4,700,000	4,700,000
Court of Appeals	6,041,000	6,390,000	5,974,000	6,182,000	6,182,000	5,974,000	5,974,000
Superior Court	78,095,000	82,135,000	80,919,000	80,327,000	80,327,000	80,919,000	80,919,000
Court System	33,383,000	35,285,000	34,677,000	34,981,000	34,981,000	34,677,000	34,677,000
Office of the Corporation Counsel	17,434,000	18,266,000	16,954,000	17,610,000	17,610,000	16,954,000	16,954,000
Settlements and Judgments	11,000,000	14,800,000	14,800,000	14,800,000	14,800,000	14,800,000	14,800,000
Public Defender Service	7,315,000	7,702,000	7,702,000	0	0	7,702,000	7,702,000
Pretrial Services Agency	4,658,000	4,759,000	4,407,000	4,599,000	4,599,000	4,407,000	4,407,000
Department of Corrections	219,793,000	233,518,000	232,302,000	232,628,000	232,628,000	232,302,000	232,302,000
Board of Parole	5,458,000	5,386,000	5,322,000	5,370,000	5,370,000	5,322,000	5,322,000
National Guard	1,056,000	1,030,000	902,000	742,000	742,000	902,000	678,000
Office of Emergency Preparedness	2,563,000	2,226,000	2,194,000	2,178,000	2,178,000	2,194,000	2,194,000
Commission on Judicial Disabilities and Tenure	127,000	130,000	130,000	130,000	130,000	130,000	130,000
Judicial Nomination Commission	89,000	80,000	80,000	80,000	80,000	80,000	80,000
Civilian Complaint Review Board	1,137,000	0	0	0	0	0	0
Total, Public Safety and Justice	902,466,000	966,731,000	960,747,000	954,106,000	954,106,000	960,747,000	963,848,000

¹ Does not reflect allocation of Personal and Nonpersonal Services Adjustment of -\$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

PUBLIC EDUCATION SYSTEM

The conference action appropriates \$795,201,000 and 11,670 full-time equivalent positions, (including \$676,251,000 and 9,996 full-time equivalent positions from local funds, \$87,385,000 and 1,227 full-time equivalent positions from Federal funds, \$21,719,000 and 234 full-time equivalent positions from other funds, and \$9,846,000 and 213 full-time equivalent positions from intra-District funds instead of \$788,983,000 and 11,670 full-time equivalent positions including \$670,833,000 and 9,996 full-time equivalent positions from local funds, \$87,385,000 and 1,227 full-time equivalent positions from Federal funds, \$21,719,000 and 234 full-time equivalent positions from other funds, and \$9,046,000 and 213 full-time equivalent positions from intra-District funds as proposed by the House and \$800,080,000 and 11,670 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The net decrease of \$4,879,000 below the Senate allowance consists of an increase of \$2,625,000 for the Teachers' Retirement System and a decrease of \$7,504,000 associated with the reduction of 469 full-time equivalent positions recommended by the Financial Management Authority.

The conference action also allocates to the public schools of the District of Columbia \$580,996,000 and 10,167 full-time equivalent positions including \$498,310,000 and 9,014 full-time equivalent positions from local funds, \$75,786,000 and 1,058 full-time equivalent positions from Federal funds, \$4,343,000 and 44 full-time equivalent positions from other funds, and \$2,557,000 and 51 full-time equivalent positions from intra-District funds instead of \$577,242,000 and 10,167 full-time equivalent positions including \$494,556,000 and 9,014 full-time equivalent positions from local funds, \$75,786,000 and 1,058 full-time equivalent positions from Federal funds, \$4,343,000 and 44 full-time equivalent positions from other funds, and \$2,557,000 and 51 full-time equivalent positions from intra-District funds as proposed by the House and \$585,956,000 and 10,167 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The conference action provides an additional \$14,930,000 in Federal funds appropriated under title I for the District's public schools for Education Reform which are explained in title II of this joint statement.

The conferees urge that as resources permit, every effort be made by District officials to provide funds to support improvements to the Bell Multicultural High School building facility and its academic programs.

The conference action allocates \$111,800,000 including \$111,000,000 from local funds and \$800,000 from intra-District funds for the Teachers' Retirement Fund instead of \$109,175,000 allocated by the House and the Senate. The conference allowance of \$111,800,000 is based on the certification of the D.C. Retirement Board to the Mayor and Council as required by the D.C. Retirement Reform Act (Public Law 96-122, approved November 17,

1979). District officials failed to include the statutorily required amount in their budget request.

The conference action allocates to the University of the District of Columbia \$79,396,000 and 1,079 full-time equivalent positions including \$45,377,000 and 572 full-time equivalent positions from local funds, \$10,611,000 and 156 full-time equivalent positions from Federal funds, \$16,922,000 and 189 full-time equivalent positions from other funds, and \$6,486,000 and 162 full-time equivalent positions from intra-District funds instead of \$79,269,000 and 1,079 full-time equivalent positions including \$45,250,000 and 572 full-time equivalent positions from local funds, \$10,611,000 and 156 full-time equivalent positions from Federal funds, \$16,922,000 and 189 full-time equivalent positions from other funds, and \$6,486,000 and 162 full-time equivalent positions from intra-District funds as proposed by the House and \$81,940,000 and 1,079 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The decrease of \$2,544,000 below the Senate allowance reflects the amount associated with the decrease of 159 full-time equivalent positions recommended by the Financial Management Authority.

The conference action allocates to the Public Library \$20,742,000 and 415 full-time equivalent positions including \$19,839,000 and 408 full-time equivalent positions from local funds, \$446,000 and 6 full-time equivalent positions from Federal funds, \$454,000 and 1 full-time equivalent positions from other funds, and \$3,000 from intra-District funds instead of \$21,062,000 and 415 full-time equivalent positions including \$20,159,000 and 408 full-time equivalent positions from local funds, \$446,000 and 6 full-time equivalent positions from Federal funds, \$454,000 and 1 full-time equivalent positions from other funds, and \$3,000 from intra-District funds as proposed by the House and \$20,742,000 and 415 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The conference action allocates to the Commission on the Arts and Humanities \$2,267,000 and 9 full-time equivalent positions as proposed by the House and the Senate including \$1,725,000 and 2 full-time equivalent positions from local funds and \$542,000 and 7 full-time equivalent positions from Federal funds as proposed by the House. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The conference action deletes the allocation of \$64,000 from local funds for the District of Columbia School of Law and the reduction of \$96,000 for the Education Licensure Commission proposed by the House based on the recommendation of the Financial Management Authority and stricken by the Senate.

The following summary shows the allocation of the Public Education System appropriation by agency from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

PUBLIC EDUCATION SYSTEM

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request fiscal year 1996	Authority recommended fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Board of Education (Public Schools)	\$621,100,000	\$585,956,000	\$585,956,000	\$577,242,000	\$577,242,000	\$585,956,000	\$580,996,000
Teachers' Retirement System	87,100,000	109,175,000	109,175,000	109,175,000	109,175,000	109,175,000	111,800,000
University of the District of Columbia	89,768,000	84,820,000	81,940,000	79,269,000	79,269,000	81,940,000	79,396,000
D.C. School of Law	8,288,000	0	0	64,000	64,000	0	0
Educational Licensure Commission	0	320,000	0	(96,000)	(96,000)	0	0
Public Library	22,213,000	21,382,000	20,742,000	21,062,000	21,062,000	20,742,000	20,742,000
Commission on the Arts and Humanities	3,834,000	2,267,000	2,267,000	2,267,000	2,267,000	2,267,000	2,267,000
Total, Public Education System	832,303,000	803,920,000	800,080,000	788,983,000	788,983,000	800,080,000	795,201,000

¹ Does not reflect allocation of Personal and Nonpersonal Services Adjustment of — \$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

EDUCATION REFORM

The conference action provides \$14,930,000 for Education Reform as authorized under title II of this Act. An explanation of the programs involved is included under title II of this joint statement.

HUMAN SUPPORT SERVICES

The conference action appropriates \$1,855,014,000 and 6,469 full-time equivalent positions, including \$1,076,856,000 and 3,650 full-time equivalent positions from local funds, \$726,685,000 and 2,639 full-time equivalent positions from Federal funds, \$46,799,000 and 66 full-time equivalent positions from other funds, and \$4,674,000 and 114 full-time equivalent positions from intra-District funds instead of \$1,845,638,000 and 6,469 full-time equivalent positions including \$1,067,516,000 and 3,650 full-time equivalent positions from local funds, \$726,685,000 and 2,639 full-time equivalent positions from Federal funds, \$46,763,000 and 66 full-time equivalent positions from other funds, and \$4,674,000 and 114 full-time equivalent positions from intra-District funds as proposed by the House and \$1,859,622,000 and 6,469 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The decrease of \$4,608,000 below the Senate allowance reflects the amount associated with the decrease of 288 full-time equivalent positions as recommended by the Financial Management Authority.

LaShawn General Receivership.—On August 23, 1995, the United States District Court for the District of Columbia issued an order in the matter of *LaShawn A. v. Barry*. The court appointed a General Receiver for the District of Columbia child welfare system, including responsibility for programs located in several District agencies, and directed the Receiver to propose a comprehensive annual budget for fiscal year 1996 to the Court and to the District of Columbia Financial Responsibility and Management Assistance Authority. The order further directed the “creation of an independent budget function” and “independent fiduciary mechanism for receipt and disbursement of funds to operate the child welfare system.” On November 27, 1995, the Receiver submitted a proposed budget to the Court and the Financial Management Authority in the amount of \$130,569,925.

Unlike the receiver controlling the District’s public housing program, the LaShawn receiver is responsible for programs and functions that cut across departmental lines. The judge’s order identifies child welfare functions in the Department of Human Services, the Department of Administrative Services, the District of Columbia Office of Personnel, and the Department of Consumer and Regulatory Affairs.

As with all court orders, and particularly court-appointed receivers, the LaShawn Receivership reduces the District’s ability to set budgets based on local priorities. It also makes the job that Congress has charged the Financial Management Authority with carrying out more difficult. It is that relationship between the receiver and the Financial Management Authority that is potentially most troublesome. Certainly, the conferees agree that the children

in the District's foster care program as well as other elements of the child welfare system should be cared for adequately and appropriately. The conferees hope that the receivership and the Financial Management Authority will work together to ensure that adequate resources are available.

Human Support Services Appropriation.—The following summary shows the allocation of the Human Support Services appropriation by agency from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

HUMAN SUPPORT SERVICES

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request, fiscal year 1996	Authority recommended, fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Department of Human Services	\$1,404,633,000	\$1,718,211,000	\$1,709,827,000	\$1,694,979,000	\$1,694,979,000	\$1,709,827,000	\$1,705,427,000
Department of Recreation and Parks	30,635,000	35,877,000	31,653,000	32,613,000	32,613,000	31,653,000	31,653,000
Office on Aging	19,082,000	19,089,000	19,025,000	19,009,000	19,009,000	19,025,000	19,009,000
D.C. General Hospital Payment	46,735,000	56,735,000	56,735,000	56,735,000	56,735,000	56,735,000	56,735,000
Unemployment Compensation Fund	7,944,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Disability Compensation Fund	20,800,000	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000
Department of Human Rights and Minority Business Development	1,796,000	1,621,000	1,301,000	1,429,000	1,429,000	1,301,000	1,301,000
Office on Latino Affairs	1,128,000	657,000	657,000	657,000	657,000	657,000	657,000
Commission for Women	282,000	20,000	20,000	20,000	20,000	20,000	20,000
Energy Office	9,613,000	4,404,000	4,404,000	4,196,000	4,196,000	4,404,000	4,212,000
Total, Human Support Services	1,542,648,000	1,872,614,000	1,859,622,000	1,845,638,000	1,845,638,000	1,859,622,000	1,855,014,000

¹ Does not reflect allocation of Personal and Nonpersonal Services Adjustment of — \$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

PUBLIC WORKS

The conference action appropriates \$297,568,000 and 1,914 full-time equivalent positions as proposed by the House and the Senate including \$225,915,000 and 1,158 full-time equivalent positions from local funds, \$2,682,000 and 32 full-time equivalent positions from Federal funds, \$18,342,000 and 68 full-time equivalent positions from other funds, and \$50,629,000 and 656 full-time equivalent positions from intra-District funds instead of \$297,326,000 and 1,914 full-time equivalent positions including \$225,673,000 and 1,158 full-time equivalent positions from local funds, \$2,682,000 and 32 full-time equivalent positions from Federal funds, \$18,342,000 and 68 full-time equivalent positions from other funds, and \$50,629,000 and 656 full-time equivalent positions from intra-District funds as proposed by the House. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

D.C. Canine Facility.—The Metropolitan Police Department has had a long-standing need to construct a modernized canine training facility at a location near D.C. Village. The design plan has been finalized, requests for proposal have been issued, construction proposals have been received, and the project is ready to commence but awaits the necessary funds. The funding for this project is available from the Washington Metropolitan Area Transit Authority as a result of earlier agreements but is being withheld until payment by DPW of certain highway trust funds owed to WMATA. The canine program is an integral component of the entire public safety program in the District and the availability of these funds represents an opportunity that should not be ignored. The conferees direct the Department of Public Works and other appropriate authorities to work out the transfer of these funds between DPW and WMATA and expedite this project as quickly as possible. The conferees further direct DPW and WMATA to submit a report on the first of each month to the House and Senate Committees on Appropriations on their efforts to begin the construction of this facility. These reports are to be submitted until a construction contract has been signed with periodic reports thereafter on the status of construction and completion dates.

Washington Metropolitan Area Transit Authority.—The conference action provides \$130,899,000 as proposed by the House and the Senate for the District's share of the operating expenses and debt service for Metrorail and Metrobus operations. The conferees expect the District to meet its obligations to the Washington Metropolitan Area Transit Authority on time and in full. The District's obligation to make payments to WMATA is determined through regional agreements and service levels in place and is not discretionary in nature. The conferees strongly urge the District to uphold its regional commitments to avoid the associated adverse impacts for other jurisdictions in the region. Further, the conferees fear that any level of funding below that recommended could jeopardize those regional agreements and result in significant service curtailments in the District, thus impeding the ability of residents to access employment opportunities throughout the region.

A discussion of the D.C. Canine Facility precedes the above paragraph and is called to the attention of WMATA officials. The conferees urge WMATA and DPW officials to expedite the transfer of the necessary funds and to submit monthly reports on their progress until a construction contract is signed, as required above.

Public Works Appropriation.—The following summary shows the allocation of the Public Works appropriation by agency from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

PUBLIC WORKS

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request fiscal year 1996	Authority recommended fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Department of Public Works	\$156,348,000	\$164,848,000	\$161,227,000	\$160,985,000	\$160,985,000	\$161,227,000	\$161,227,000
Pay-as-you-go	0	0	0	288,000	288,000	0	0
Taxicab Commission	1,787,000	1,661,000	1,501,000	1,213,000	1,213,000	1,501,000	1,501,000
Washington Metropolitan Area Transit Commission	96,000	96,000	96,000	96,000	96,000	96,000	96,000
Washington Metropolitan Area Transit Authority (Metro)	117,051,000	126,899,000	130,899,000	130,899,000	130,899,000	130,899,000	130,899,000
School transit subsidy	4,345,000	3,845,000	3,845,000	3,845,000	3,845,000	3,845,000	3,845,000
Total, Public Works	279,627,000	297,349,000	297,568,000	297,326,000	297,326,000	297,568,000	297,568,000

¹ Does not reflect allocation of personal and nonpersonal services adjustment of -\$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

WASHINGTON CONVENTION CENTER FUND TRANSFER PAYMENT

The conference action revises the heading as proposed by the Senate and appropriates \$5,400,000 as proposed by the House and the Senate from local funds as proposed by the House. The Senate did not allocate the appropriation by source of funding.

REPAYMENT OF LOANS AND INTEREST

The conference action appropriates \$327,787,000 from local funds as proposed by the House instead of \$257,787,000 as proposed by the Senate. The Senate did not allocate the appropriation by source of funding.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

The conference action appropriates \$38,678,000 as proposed by the House and the Senate to be derived from local funds as proposed by the House. The Senate did not allocate the appropriation by source of funding.

REPAYMENT OF INTEREST ON SHORT-TERM BORROWING

The conference action changes the heading and appropriating language for Repayment of Interest on Short-Term Borrowing as proposed by the Senate and appropriates \$9,698,000 from local funds as proposed by the House and the Senate to be derived from local funds as proposed by the House. The Senate did not allocate the appropriation by source of funding.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The conference action requires a reduction in personal services of \$46,409,000 as proposed by the House and the Senate. The reduction is to be derived by reducing the rates of compensation for District government employees, who are subject to collective bargaining agreements, to the extent possible through the renegotiation of existing agreements. The bill language as requested by the District government and proposed by the House and the Senate provides that if a sufficient reduction through renegotiating existing agreements is not realized from employees who are subject to collective bargaining agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

In addition, the conference action includes bill language ratifying and approving legislation enacted during fiscal year 1995 by the Council of the District of Columbia reducing the compensation and benefits of all employees of the District of Columbia government during that fiscal year. Because of the District's fiscal crisis, the Council passed a series of emergency, temporary, and permanent measures during fiscal year 1995 to provide immediate and concrete savings in personal services through reducing the wages of all District government employees in the latter half of fiscal year 1995 and into fiscal year 1996. These measures affected both union and non-union employees. The terms, nature, and effective dates of these reductions varied, both for those groups of employees who negotiated reduction plans with District representatives and those

groups of employees who did not. The reductions were made effective through acts of the Council which were ultimately included in the Omnibus Budget Support Act of 1995, D.C. Law 11-52, effective September 26, 1995, 42 DCR 3684, 5604. Substantial savings were achieved during fiscal year 1995 through these reductions. In ratifying the actions of the Council in enacting these wage reductions, some of which have been challenged in the courts, it is the express intent of the conferees that the savings realized in fiscal year 1995 be preserved and that wage reductions be continued into fiscal year 1996 and future years.

RAINY DAY FUND

The conference action appropriates \$4,563,000 for the rainy day fund as proposed by the House and the Senate to be derived from local funds as proposed by the House. The Senate did not allocate the appropriation by source of funding.

INCENTIVE BUYOUT PROGRAM

The conference action appropriates \$19,000,000 as proposed by the House and the Senate for costs associated with the incentive buyout program. The Senate did not allocate the appropriation by source of funding.

OUTPLACEMENT SERVICES

The conference action changes the heading and appropriating language for Outplacement Services as proposed by the Senate and appropriates \$1,500,000 as proposed by the House and the Senate.

BOARDS AND COMMISSIONS

The conference action requires a reduction of \$500,000 as proposed by the House and the Senate to reflect the elimination of stipends for most boards and commissions.

GOVERNMENT RE-ENGINEERING PROGRAM

The conference action requires a reduction of \$16,000,000 as proposed by the House and the Senate to be realized by consolidating and eliminating agencies, procurement reform, privatization, and program service re-engineering.

The following summary shows the allocation of the various "Financing and Other Uses" appropriations from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

FINANCING AND OTHER USES

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request fiscal year 1996	Authority recommended fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Washington Convention Center Transfer payment	\$12,850,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
Repayment of loans and interest	306,788,000	285,787,000	257,787,000	327,787,000	327,787,000	257,787,000	327,787,000
Repayment of General Fund recovery debt	38,678,000	38,678,000	38,678,000	38,678,000	38,678,000	38,678,000	38,678,000
Short-term borrowing	5,000,000	9,698,000	9,698,000	9,698,000	9,698,000	9,698,000	9,698,000
Optical and dental benefits	3,312,000	0	0	0	0	0	0
Restructure health benefits program	0	0	0	0	0	0	0
Pay adjustment	106,095,000	0	0	0	0	0	0
Pay renegotiation or reduction in compensation	0	(46,409,000)	(46,409,000)	(46,409,000)	(46,409,000)	(46,409,000)	(46,409,000)
Incentive buyout payments	0	8,000,000	19,000,000	19,000,000	19,000,000	19,000,000	19,000,000
Outplacement services	0	0	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
D.C. General Hospital deficit payment	10,000,000	0	0	0	0	0	0
Rainy day fund	22,508,000	0	4,563,000	4,563,000	4,563,000	4,563,000	4,563,000
Job-producing economic development incentives	22,600,000	0	0	0	0	0	0
Cash reserve fund	3,957,000	0	0	0	0	0	0
Boards and Commissions reduction	0	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)
Government re-engineering program	0	(20,000,000)	(16,000,000)	(16,000,000)	(16,000,000)	(16,000,000)	(16,000,000)
Personal and nonpersonal services adjustment	(13,632,000)	0	0	0	(148,411,000)	(11,264,000)	(150,907,000)
Sec. 138 spending reductions	(140,000,000)	0	0	0	0	0	0
Total, financing and other uses	378,136,000	280,654,000	273,717,000	343,717,000	195,306,000	262,453,000	192,810,000

¹ Does not reflect allocation of personal and nonpersonal services adjustment of -\$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

The conference action restores "(Including Rescissions)" in the heading as proposed by the House and stricken by the Senate and appropriates \$168,222,000 (including \$82,850,000 from local funds and \$85,372,000 from Federal funds) instead of \$168,222,000 as proposed by the House and \$82,850,000 proposed by the Senate. The House and Senate did not allocate the appropriation by source of funding. The conference action restores the provisos under capital outlay proposed by the House and stricken by the Senate requiring that each project shall be managed and controlled in accordance with all procedures and limitations of the financial management system (FMS); that all funds provided shall be available only for the specific projects and purposes intended; that authorizations and funds for projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 shall expire on September 30, 1997 unless funds have been obligated in whole or in part prior to September 30, 1997; and provides that funds for expiring projects shall lapse.

WATER AND SEWER ENTERPRISE FUND

The conference action appropriates \$242,253,000 and 1,024 full-time equivalent positions, including \$237,076,000 and 924 full-time equivalent positions from local funds, \$433,000 from other funds, and \$4,744,000 and 100 full-time equivalent positions from intra-District funds instead of \$193,398,000 and 1,024 full-time equivalent positions including \$188,221,000 and 924 full-time equivalent positions from local funds, \$433,000 from other funds, and \$4,744,000 and 100 full-time equivalent positions from intra-District funds as proposed by the House and \$243,853,000 and 1,024 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The decrease of \$1,600,000 below the Senate reflects the reduction associated with the decrease of 100 full-time equivalent positions recommended by the Financial Management Authority.

The conference action appropriates \$39,477,000 from Federal funds for capital outlay projects with the necessary bill language as proposed by the House. The House bill did not allocate the appropriation by source of funding. The Senate bill did not include an appropriation or bill language for this purpose.

Language in section 154 establishes two separate accounts within the Water and Sewer Enterprise Fund—one for waste water treatment user charges and the other for EPA grants and other construction appropriations and funds.

The conferees are concerned about reports that District officials have diverted to other programs at least \$233 million in user charges and other funds collected for the construction, operation and maintenance of the Blue Plains Wastewater Treatment Facility and waste water treatment works. As a result of this diversion of funds, issues have surfaced concerning the availability of resources necessary to ensure the safe and effective maintenance and

operation of the facility. The conferees are also concerned that construction grant funds for wastewater treatment works from the United States Environmental Protection Agency have been used by District officials for other purposes contrary to law. To address these concerns, statutory provisions have been added in section 154 to require that the District government maintain separate accounts or subaccounts for user charges collected and monies paid by user jurisdictions specifically for the operation and maintenance, including debt service and capital costs, of the waste water treatment works and for grant funds received by the District government from EPA for construction of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

The conferees have learned that the District of Columbia government has failed to pay certain outstanding contractor and vendor invoices for construction and operation and maintenance of the Blue Plains facility. This practice is unacceptable and must be addressed and must be reflected in the budget and financial plan for fiscal years 1996 and 1997 submitted to the Financial Management Authority on February 1, 1996. The conferees direct that the District government submit to the House and Senate Committees on Appropriations a report by April 1, 1996, on the status of the actions taken to resolve these financial issues.

The conferees intend that these statutory provisions not be construed to impede any plans to turn the Blue Plains Wastewater Treatment Plant over to a regional authority or some other entity upon approval of such plans by the appropriate parties. The conferees request that the April 1, 1996 report referred to above provide an update on progress made to establish a regional authority which would be responsible for the overall management of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

The conference action appropriates \$229,950,000 and 88 full-time equivalent positions as proposed by the Senate including \$7,950,000 and 88 full-time equivalent positions for administrative expenses and \$222,000,000 for non-administrative expenses from revenue generated by the Lottery Board instead of \$229,907,000 and 88 full-time equivalent positions including \$8,099,000 and 88 full-time equivalent positions for administrative expenses and \$221,808,000 for non-administrative expenses from revenue generated by the Lottery Board as proposed by the House. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The decrease of \$192,000 and 12 full-time equivalent positions below the Senate allowance reflects a reduction in the Board's administrative expenses.

CABLE TELEVISION ENTERPRISE FUND

The conference action appropriates \$2,351,000 and 8 full-time equivalent positions including \$2,019,000 and 8 full-time equivalent positions from local funds and \$332,000 from other funds instead of \$2,469,000 including \$2,137,000 from local funds and

\$332,000 from other funds as proposed by the House and \$2,351,000 and 8 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

The conference action transfers \$572,000 to the general fund as proposed by the Senate instead of \$690,000 as proposed by the House.

STARPLEX FUND

The conference action appropriates \$6,580,000 from other funds instead of \$8,637,000 from other funds as proposed by the House and \$6,580,000 as proposed by the Senate. The Senate did not allocate the appropriation by source of funding.

D.C. GENERAL HOSPITAL

The conference action appropriates \$115,034,000 of which \$56,735,000 is to be derived by transfer as intra-District funds from the general fund, \$52,684,000 is to be derived from other funds and \$5,615,000 is to be derived from intra-District funds instead of a reduction of \$2,487,000 and a reduction of 180 full-time equivalent positions as proposed by the House in accordance with the recommendation of the Financial Management Authority and \$115,034,000 of which \$56,735,000 is to be derived by transfer from the general fund as proposed by the Senate.

D.C. RETIREMENT BOARD

The conference action appropriates \$13,440,000 and 11 full-time equivalent positions from the earnings of the applicable retirement funds as proposed by the Senate instead of \$13,417,000 and 11 full-time equivalent positions from the earnings of the applicable retirement funds as proposed by the House.

CORRECTIONAL INDUSTRIES FUND

The conference action appropriates \$10,516,000 and 66 full-time equivalent positions including \$3,415,000 and 22 full-time equivalent positions from other funds and \$7,101,000 and 44 full-time equivalent positions from intra-District funds instead of \$10,048,000 including \$3,415,000 and 22 full-time equivalent positions from other funds and \$6,633,000 and 44 full-time equivalent positions from intra-District funds as proposed by the House and \$10,516,000 and 66 full-time equivalent positions as proposed by the Senate. The Senate did not allocate the appropriation and full-time equivalent positions by source of funding.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

The conference action appropriates \$37,957,000 of which \$5,400,000 shall be derived by transfer from the general fund and \$32,557,000 from other funds for the Washington Convention Center Enterprise Fund as proposed by the House and the Senate.

D.C. FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE
AUTHORITY

The conference action appropriates \$3,500,000 from local funds for the District of Columbia Financial Responsibility and Management Assistance Authority as proposed by the House and the Senate.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The conference agreement requires a general net reduction of \$165,837,000 in personal and nonpersonal services for fiscal year 1996 instead of \$148,411,000 as proposed by the House and \$11,264,000 proposed by the Senate. The conference agreement also provides that the net reduction is to be made by the District's Chief Financial Officer on behalf of the Mayor in accordance with the direction of the Financial Management Authority pursuant to section 208 of Public Law 104-8, approved April 17, 1995, as proposed by the House. The Senate language required by the Mayor, in consultation with the Council and the Financial Management Authority, to reduce appropriations and expenditures for personal services costs in the amount of \$11,264,000. The conferees direct that the allocation of this reduction to the departments, agencies and programs be made within 30 days after the date of enactment of this Act and reflected in the financial plan that will be transmitted to the Congress by March 1, 1996 with the District's fiscal year 1996 supplemental budget request.

The District's judicial branch of government is one of the better managed entities in the District government. All personnel including those in supervisory roles appear to be well trained and dedicated to excellence. Its financial management and information systems appear to be well designed with state-of-the-art automation. Requests for financial information such as obligations incurred, accounts receivable and payable, and balances are readily available which is not always the case elsewhere in the District government. While the conferees understand the need for independence by the District's judicial branch of government, the conferees also expect its full cooperation with the executive and legislative branches of the District government as well as the Financial Management Authority in addressing the District's financial crisis. The conferees do not expect the judicial branch to make budget reductions that are proportionately greater than those experienced by the executive and legislative branches. However, at a minimum, the judicial branch must meet the level of reductions applied to the executive and legislative branches. The conferees believe the high quality and caliber of all court personnel including the management staff provide the courts with the capability to meet the challenges posed by the current financial crisis without sacrificing standards and public service. Although language in Public Law 104-8, approved April 17, 1995, specifically exempts the courts from oversight by the Financial Management Authority, that exemption applies only to the independence of the courts which are still an integral part of the District government and therefore must share proportionately in all budget and full-time equivalent position reductions as recommended by the Financial Management Authority. The exemp-

tion allows the courts to determine how to allocate the reductions; it does not absolve the courts from making them and should not be interpreted otherwise. Section 445 of the Home Rule Act (Public Law 93-198, approved December 24, 1973) requires that the courts' budget as prepared by the courts be transmitted by the Mayor and Council without change but subject to their comments and recommendations. The conferees expect the District's Chief Financial Officer and the Financial Management Authority to likewise comment and make recommendations on the courts' budget.

The following summary shows the allocation of the various appropriations for enterprise funds by agency from the fiscal year 1995 approved budget to the fiscal year 1996 conference approved level:

ENTERPRISE FUNDS

Agency/Activity	Fiscal year 1995 approved	Budget estimates, fiscal year 1996	Revised request, fiscal year 1996	Authority recommended, fiscal year 1996	House recommendation	Senate recommendation	Conference allowance ¹
Department of Public Works (Utility Administration)	254,563,000	204,329,000	204,329,000	193,398,000	193,398,000	204,329,000	202,729,000
Washington Aqueduct	21,013,000	39,524,000	39,524,000	0	0	39,524,000	39,524,000
Total, Water and Sewer Enterprise Fund	275,576,000	243,853,000	243,853,000	193,398,000	193,398,000	243,853,000	242,253,000
Lottery and Charitable Games	192,068,000	229,950,000	229,950,000	229,907,000	229,907,000	229,950,000	229,950,000
Cable Television	2,654,000	2,351,000	2,351,000	2,469,000	2,469,000	2,351,000	2,351,000
Sports Commission (STARPLEX)	6,392,000	6,580,000	6,580,000	8,637,000	8,637,000	6,580,000	6,580,000
D.C. General Hospital	143,920,000	115,034,000	115,034,000	(2,487,000)	(2,487,000)	115,034,000	58,299,000
Retirement Board	0	13,440,000	13,440,000	13,417,000	13,417,000	13,440,000	13,440,000
Correctional Industries Fund	7,642,000	10,516,000	10,516,000	10,048,000	10,048,000	10,516,000	10,516,000
Washington Convention Center	19,541,000	37,957,000	37,957,000	37,957,000	37,957,000	37,957,000	32,557,000
D.C. Financial Responsibility and Management Assistance Authority	0	0	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000
Total, Enterprise Funds	647,793,000	659,681,000	663,181,000	496,846,000	496,846,000	663,181,000	599,446,000

¹ Does not reflect allocation of Personal and Nonpersonal Services Adjustment of —\$150,907,000 to be made by Mayor under the direction of the District of Columbia Financial Responsibility and Management Assistance Authority.

GENERAL PROVISIONS

The conference action amends section 110 by requiring that the District's fiscal year 1997 budget be transmitted to Congress "no later than April 15, 1996 or as provided for under the provisions of Public Law 104-8, approved April 17, 1995" instead of by April 15, 1996 as proposed by the House and the Senate. This change allows for additional time that may be required by the Financial Management Authority to review the District's budget as provided in Public Law 104-8.

The conference action amends section 117 to take cognizance of the Financial Management Authority's role in the reprogramming process. The Financial Management Authority was established by Public Law 104-8, approved April 17, 1995.

The conference action deletes section 124 proposed by the Senate which would have extended for one year the period of time the District could sell general obligation bonds through a private sale on a negotiated basis rather than on a competitive bid basis.

Section 466 of the Home Rule Act (Public Law 93-198, approved December 24, 1973; 87 Stat. 806) requires that all general obligation bonds be sold at public sale with sealed proposals. To acclimate the District to the bond market, the Home Rule Act was amended in 1981 by Public Law 97-105 to give the District a 3-year grace period when it could sell bonds "at either a public sale or at a private sale on a negotiated basis in such manner as the Mayor may determine to be in the public interest".

The purpose of the grace period was to give the District some exposure or "experience" in the municipal bond market. The District did not enter the bond market until after the grace period had expired. To provide for the 3-year grace period, the District requested one-year extensions for negotiated sales in the appropriations bills. Those requests were approved in each of the last 10 years. The normal 3-year grace period ended in 1988.

The conference action deletes section 131 proposed by the House and deleted by the Senate that would have amended section 602(a) of the Home Rule Charter (Public Law 93-198, approved December 24, 1973) to prohibit the District government from enacting legislation that obligates funds for any abortion or appropriates funds to any facility owned or operated by the District in which any abortion is performed, except where the life of the mother would be endangered if the fetus were carried to term, or in cases of forcible rape reported within 30 days to a law enforcement agency, or cases of incest reported to a law enforcement agency or child abuse agency prior to the performance of the abortion.

The conference action amends section 132 proposed by the Senate by changing the section number to 131 and prohibiting the use of any funds in this Act for any abortion except to save the life of the mother or in cases of rape or incest.

The conference action deletes section 132 proposed by the House and stricken by the Senate which would have prohibited the use of funds appropriated in this Act on any proposed change in either the use or configuration of, or on any improvement to, the Municipal Fish Wharf until the proposed change or improvement had been reviewed and approved by Federal and local authorities.

The conference action deletes section 133 proposed by the House and stricken by the Senate that expressed the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

The conference action deletes section 134 proposed by the House and stricken by the Senate which would have prohibited the use of any funds in the bill to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples. The language also would have repealed the District's Health Care Benefits Expansion Act (D.C. Law 9-114, D.C. Code, sec. 36-1401 et seq.) commonly referred to as the Domestic Partners Act. Section 132 of this Act reflects section 140 as proposed by the Senate amended to continue current law which prohibits the use of any appropriated funds to (1) implement or enforce any registration system of unmarried, cohabiting couples and (2) implement or enforce the Domestic Partners Act.

The conference action amends section 140 proposed by the Senate by changing the section number to 132 and striking the word "Federal" thereby prohibiting the use of any funds in this Act to implement or enforce (1) the District's Health Care Benefits Expansion Act of 1992 (commonly referred to as the Domestic Partners Act) or (2) any system of registration of unmarried cohabiting couples whether they are homosexual, lesbian, or heterosexual.

The conference action amends section 146 proposed by the House and section 145 proposed by the Senate by changing the section number to 144 and revising the maximum ceiling for full-time equivalent positions funded in this Act to 35,984 instead of 35,771 as proposed by the House and recommended by the Financial Management Authority and 39,778 as proposed by the Senate. The following summary shows the number of full-time equivalent positions by agency from the FY approved budget to the FY 1996 conference allowance:

(The summary referred to follows:)

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996 (H.R. 2546) SUMMARY FULL-TIME EQUIVALENT POSITIONS BY AGENCY, FISCAL YEAR 1995-1996

	Fiscal year 1995 approved	Fiscal year 1996 original request	Fiscal year 1996 revised request	Fiscal year 1996 authority recommendation	Fiscal year 1996 House allowance	Fiscal year 1996 Senate allowance	Fiscal year 1996 conference allowance
Governmental Direction and Support:							
Council of the District of Columbia	170	149	143	143	143	143	143
Office of the D.C. Auditor	15	15	12	12	12	12	12
Office of the Mayor	31	25	25	25	25	25	25
Office of the Secretary	50	46	34	34	34	34	34
Office of Inspector General	18	9	7	7	7	7	7
Office of Communications	7	6	5	5	5	5	5
Office of Intergovernmental Relations	42	35	22	22	22	22	22
Office of the City Administrator/Deputy Mayor for Operations	44	35	29	29	29	29	29
Office of Personnel	0	265	230	192	192	192	192
Department of Administrative Services	434	329	272	217	217	217	217
Contract Appeals Board	8	8	5	0	0	0	5
Office of the Deputy Mayor for Finance	5	5	5	5	5	5	5
Office of the Budget	54	52	44	42	42	42	42
Office of Financial Management	291	279	234	214	214	214	214
Department of Finance and Revenue	507	492	473	451	451	451	451
Board of Elections and Ethics	52	65	35	35	35	35	63
Office of Campaign Finance	22	22	20	10	10	10	10
Public Employee Relations Board	4	4	4	3	3	3	3
Office of Employee Appeals	23	18	17	13	13	13	13
Retirement Board	14	0	0	0	0	0	0
Office of Grants Management	9	9	9	6	6	6	6
Total, Governmental Direction and Support	1,800	1,868	1,625	1,465	1,465	1,465	1,498
Economic Development and Regulation:							
Deputy Mayor for Economic Development	47	37	31	25	25	25	25
Office of Banking and Financial Institutions	8	5	5	5	5	5	5
Office of Tourism and Promotion	6	4	4	4	4	4	4
Office of Planning	42	27	27	23	23	23	23
Office of Zoning	12	10	8	5	5	5	5
Department of Housing and Community Development	219	212	172	169	169	169	169
Department of Public and Assisted Housing	879	923	10	5	5	5	5
Department of Employment Services	0	915	814	730	758	758	758
Board of Appeals and Review	2	2	2	1	1	1	1

Board of Equalization and Review	5	4	3	1	1	1	1	1
Department of Consumer and Regulatory Affairs	736	658	640	584	610	612	610	612
Public Service Commission	93	86	60	120	60	60	60	60
Office of People's Counsel	38	30	24	48	24	24	24	24
Total, Economic Development and Regulation	2,087	2,913	1,800	1,720	1,692	1,692	1,690	1,692
Human Resources Development:								
Assistant City Administrator for Human Resources	24	0	0	0	0	0	0	0
Office of Personnel	285	0	0	0	0	0	0	0
Department of Employment Services	948	0	0	0	0	0	0	0
Education Licensure Commission	6	0	0	0	0	0	0	0
Total, Human Resources Development	1,263	0						
Public Safety and Justice:								
Metropolitan Police Department	5,430	4,564	4,512	4,512	4,512	4,512	4,512	4,512
Fire and Emergency Medical Services	1,821	1,817	1,790	1,790	1,790	1,790	1,790	1,790
Court of Appeals	97	96	83	83	83	83	83	83
Superior Court	1,277	1,255	1,142	1,142	1,142	1,142	1,142	1,142
D.C. Court System	108	122	103	103	103	103	103	103
Office of the Corporation Counsel	340	330	289	289	289	289	289	289
Public Defender Service	152	139	139	0	0	0	0	0
Pretrial Services Agency	101	104	93	93	93	93	93	93
Department of Corrections	3,949	3,759	3,369	3,369	3,369	3,369	3,369	3,369
Parole Board	125	115	113	113	113	113	113	113
National Guard	34	30	26	12	12	12	12	12
Office of Emergency Preparedness	49	38	35	35	35	35	35	35
Commission on Judicial Disabilities and Tenure	2	2	2	2	2	2	2	2
Judicial Nomination Commission	1	1	1	1	1	1	1	1
Civilian Complaint Review Board	24	0	0	0	0	0	0	0
Total, Public Safety and Justice	13,510	12,372	11,697	11,544	11,544	11,544	11,544	11,544
Public Education System:								
Public Schools	12,299	11,559	10,477	10,167	10,167	10,167	10,167	10,167
University of the District of Columbia	1,538	1,426	1,238	1,079	1,079	1,079	1,079	1,079
District of Columbia School of Law	78	0	0	0	0	0	0	0
Education Licensure Commission	0	6	0	0	0	0	0	0
Public Library	469	435	414	415	415	415	415	415

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996 (H.R. 2546) SUMMARY FULL-TIME EQUIVALENT POSITIONS BY AGENCY, FISCAL YEAR 1995-1996—Continued

	Fiscal year 1996 approved	Fiscal year 1996 original request	Fiscal year 1996 revised request	Fiscal year 1996 authority recommendation	Fiscal year 1996 House allowance	Fiscal year 1996 Senate allowance	Fiscal year 1996 conference allowance
Commission on the Arts and Humanities	20	9	9	9	9	9	9
Total, Public Education System	14,404	13,435	12,139	11,670	11,670	11,670	11,670
Human Support Services:							
Department of Human Services	7,758	7,529	6,162	5,859	5,887	5,887	5,887
Department of Recreation and Parks	822	719	515	515	515	515	515
Office on Aging	33	31	27	26	26	26	26
Department of Human Rights & Minority Business Development	45	37	25	25	25	25	25
Office on Latino Affairs	13	3	3	3	3	3	3
Commission for Women	7	0	0	0	0	0	0
Energy Office	39	26	25	13	13	13	13
Total, Human Support Services	8,717	8,345	6,757	6,441	6,469	6,469	6,469
Public Works:							
Department of Public Works	2,509	2,219	1,896	1,896	1,896	1,896	1,896
D.C. Taxicab Commission	32	28	18	18	18	18	18
Total, Public Works	2,541	2,247	1,914	1,914	1,914	1,914	1,914
Sec. 141 Limitation on FTEs and Retirement Incentives	(2,000)	0	(1,000)	0	0	0	0
Total, General Fund	42,322	41,180	35,932	34,754	34,752	34,752	34,787
Enterprise Funds:							
Department of Public Works (Utility Administration)	1,711	1,793	1,124	1,024	1,024	1,024	1,024
Washington Aqueduct	267	271	0	0	0	0	0
Lottery and Charitable Games Control Board	124	117	100	88	88	88	88
Office of Cable Television	30	8	8	8	8	8	8
D.C. Retirement Board	0	14	11	11	11	11	11
Correctional Industries	63	106	66	66	66	66	66

D.C. General Hospital	2,562	1,760	0	(180)	(180)	0	0
Total, Enterprise Funds	4,757	4,069	1,309	1,017	1,017	1,197	1,197
Total, Operating Funds	47,079	45,249	36,241	35,771	35,771	35,949	35,984

Excludes 3,083 FTE positions for agencies shifted to off-budget status for FY 1996 that continue to be paid by District Government:

Department of Public and Assisted Housing	913
Public Defender Service	193
Washington Aqueduct	271
D.C. General Hospital	1,760
Total	3,083

The conference action also restores language in subsection (d) of the new section 144 proposed by the House and stricken by the Senate which includes personnel of the District of Columbia Court System in the exemption from Council action for the filling of vacant positions. As noted earlier under the appropriation for "Personal and Nonpersonal Services Adjustments", the conferees recognize the need for independence by the District's judicial branch of government; however, the conferees also expect the judicial branch to meet the level of reductions applied to the executive and legislative branches by the District's Chief Financial Officer and the Financial Management Authority. The conferees expect the judicial branch to allocate the recommended reductions and do not expect those reductions to be proportionately greater than those experienced by the executive and legislative branches.

The conference action amends section 147 proposed by the House and section 146 proposed by the Senate by changing the section number to 148 and by requiring that the reports on capital project employees also be provided to the Financial Management Authority. The language proposed by the Senate required that the reports be provided to the Committees on Appropriations of the House of Representatives and the Senate. The requirement for these reports was included in the District's fiscal year 1996 budget request.

The conference action deletes section 150 proposed by the Senate which would have extended by two years the time for the conveyance of property of Columbia Hospital for Women for the National Women's Health Resource Center. The request for the extension was withdrawn by the Hospital.

The conference action restores section 151 proposed by the House and stricken by the Senate and changes the section number to 150 and places a ceiling of \$4,994,000,000 (of which \$165,339,000 shall be from intra-District funds) on the total amount available for obligation from all funding sources appropriated for operating expenses for the District of Columbia for fiscal year 1996 under the caption "Division of Expenses" instead of \$4,867,283,000 as proposed by the House. The Senate did not have a similar provision. The conference action also amends section 150 by adding language that allows the District government to accept and spend Federal and other grants that are not included in this Act subject to prior approval by the Financial Management Authority with monthly reports to the Council and the House and Senate Committees on Appropriations. The language also prohibits the obligation or expenditure from the general fund or any other fund for grant programs in anticipation of the approval and receipt of a grant. However, this language is not intended to prohibit the use

of any funds for the development of grant proposals and applications.

The conference action restores section 152 proposed by the House and stricken by the Senate and changes the section number to 151 and amends the bill language to require that plans for the Lorton Correctional Complex (1) be submitted by March 15, 1996 rather than February 15, 1996 as proposed by the House and (2) include options other than the closing of the facility. The amended language requires that the options are to include the use of alternative Federal or private arrangements for housing District inmates with an appropriate transition period not to exceed five years. The conferees agree that each option considered for Lorton facility location and management is to be identified and the costs and benefits of each option documented. There should also be a justification supporting the recommendation or rejection of each option. In addition, the plans are to address how and to what extent the District can use the private sector for the operation of correctional facilities to house District inmates, including site selection, design, financing, construction, and operation of the facilities. The conferees agree that each plan is to include a description of any proposed legislation required to implement the plan and an implementation schedule, together with specific performance measures and timetables, and be consistent with the financial plan and budget developed for the District government under subtitle A of title II of the D.C. Financial Responsibility and Management Assistance Act of 1995. The conferees are aware that the National Institute of Corrections, which provides technical assistance, training, and information services to State and local corrections departments, is performing an in-depth study of the District's Department of Corrections as requested by the House and Senate Committees on Appropriations in their report accompanying the fiscal year 1995 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies. The NIC report should provide a foundation for further actions by the District to address the problems that exist at the Lorton complex.

The conference action amends section 153 proposed by the House and stricken by the Senate by restoring the language proposed by the House prohibiting adoptions by unmarried couples. The conference action adds language that allows unmarried couples to file joint petitions in those cases where the co-petitioner is the natural parent of the child. The conference action also changes the section number to 152.

The conference action amends section 154 proposed by the House and stricken by the Senate by changing the section number to 153 and restoring the language proposed by the House concerning technical corrections to the Financial Responsibility and Management Assistance Act (Public Law 104-8, approved April 17, 1995). These technical corrections were offered as an amendment on the House floor by the committee of jurisdiction with the explanation that the amendment is noncontroversial and conforms to the legislative intent of Public Law 104-8. A brief description of the technical changes is reflected in the following paragraphs.

The conference action restores subsection (a) as proposed by the House which revises section 103(f) of Public Law 104-8 by

striking “may provide” and inserting “shall promptly provide”. This revision provides the General Services Administration with the appropriate degree of discretion and clarifies that GSA has a duty to provide the administration services requested by the Financial Management Authority in a prompt manner.

The conference action restores subsection (b) as proposed by the House which—

(1) amends section 102(e)(1)(A) of Public Law 104–8 to insure that Federal employees joining the Financial Management Authority’s staff may elect to have their service with the Authority treated as if performed within the Federal government for purposes of the thrift savings plan, health insurance, life insurance, and any other Federal benefit program. The statute already provides such persons that election for purposes of the Federal retirement program.

(2) amends section 102(e)(2)(B) of Public Law 104–8 to clarify congressional intent and make clear that an individual electing coverage under the Federal programs referred to in section 102(e)(1)(A) will not be entitled to double coverage under comparable District government programs.

(3) amends section 102(e)(3) of Public Law 104–8 to provide that the Office of Personnel Management, in promulgating regulations authorized by section 102(e) must consult with the Financial Management Authority as well as with the District government. When OPM first promulgated interim regulations as authorized by the statute, it failed to consult with the Authority or even send on its own initiative a copy of the proposed regulations.

(4) adds a new section 102(f) to Public Law 104–8 to carry out the policy mandate created in section 102(e) and clarify that persons employed by the Financial Management Authority have an election to be treated as if they were employees of the Federal government or employees of the District government for purposes of the retirement system, health insurance, and any other employee benefit programs. Section 102(e) deals only with employees of the Authority who come from the Federal government. Several other categories of persons are becoming employees of the Authority, including Federal retirees, District employees, and private sector employees. This new section gives these employees the same options as persons joining the Authority from the Federal government. It will help to insure that qualified employees will not be discouraged from seeking employment with the Authority by clarifying legislative intent so as to provide that such persons would not lose benefits.

The conference action restores subsection (c) as proposed by the House which amends section 104 of Public Law 104–8 to protect the Financial Management Authority and those who act on its behalf from claims arising from their official actions.

The conference action restores subsection (d) as proposed by the House which deletes in its entirety section 203(a)(3)(C) of Public Law 104–8. The language being deleted exempted emergency legislation from review by the Financial Management Authority and, in practice, would have effectively undermined the fundamental responsibilities of the Authority, contrary to the clear legislative intent of the statute as a whole. A significant amount of District

legislation is now being enacted on an emergency basis, and since emergency legislation goes into effect immediately, rights could be created or claimed under the emergency legislation and objections asserted to any subsequent disapproval by the Authority if and when the legislation were subsequently submitted as permanent legislation. Emergency legislation can clearly have a substantial fiscal impact while it is in force and effect. Therefore, the current subparagraph (C) is not only an undesirable and significant dilution of the Authority's intended ability to function, but it also casts doubt on the Authority's ability to require that emergency legislation be reviewed, separate and apart from the issue of approval or disapproval.

The conference action inserts a new section 154 to establish two separate accounts within the Water and Sewer Enterprise Fund—one for waste water treatment user charges and the other for EPA grants and other construction appropriations and funds. An explanation concerning the establishment of these accounts can be found under the heading "Water and Sewer Enterprise Fund" earlier in this statement.

The conference action inserts a new section 155 requested by the Mayor in a letter dated December 12, 1995, that allows up to 50 police officers and up to 50 Fire and Emergency Medical Services members with less than 20 years of departmental service who were hired prior to February 14, 1980 and who retire on disability before the end of calendar year 1996 to be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96-122, approved November 17, 1979). The conferees have included language in subsection (c) that delays the effective date of section 155 until 30 days after the Mayor transmits the actuarial report required by section 142(d) of Public Law 96-122, approved November 17, 1979. The conferees direct the Mayor to forward all future requests that affect the District's finances and budget through the Financial Management Authority.

The conference action amends title II—District of Columbia School Reform proposed by the House and stricken by the Senate and title II—District of Columbia Schools Improvement Act proposed by the Senate. The following paragraphs contain a brief description of the conference action.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

The concluding of this conference agreement culminates a year of debate, discussion, and negotiation from the local school level to the Congress regarding the amount, shape and pace of education reform necessary in the District of Columbia. The catalysts for this latest debate include the January 1995 report by the D.C. Committee on Public Education (COPE) entitled "Our Children Are Still Waiting" and a renewed interest by Congress in ensuring greater educational opportunity for D.C. children.

The January 1995 COPE report recounts the lack of real progress in implementing education reform since the first COPE report in June, 1989. The opening line of the 1995 COPE report

reads "in 1989, the Committee on Public Education issued a report that described a school system in need of serious reform." The report states that "no progress and setbacks in other areas paint a grim picture." These are not the words of a harsh critic or an unsympathetic observer, instead they represent a concerned community. COPE reported that:

By almost any measure, student academic performance worsened;

No significant progress had been made in improving the teaching workforce;

Problems persist in providing timely and adequate material support to local schools;

School buildings need renovations and repairs (totaling \$1.2 billion according to the Superintendent's task force);

Schools are still shackled by an oppressive bureaucracy that hopes to exploit divisions within the Board and between the Board and the Superintendent.

COPE argues that "so little progress has been made because, quite frankly, this community has not really tried reform." COPE cites as reasons the following:

All too many are invested in the status quo;

Serious fragmentation of responsibility and accountability exist in the school governance structure;

The school system does not systematically recognize good teaching, nor does it aggressively weed-out non-performers;

The Board of Education's micromanagement of the schools undermines the Superintendent and his reform efforts; and

There has been a lack of focus and consistent follow-through within the school system.

At the same time as the District of Columbia community was recognizing the need for fundamental and comprehensive education reform, the Members of the Congress became committed to supporting such reform.

Title II of this conference agreement, the "District of Columbia School Reform Act of 1995," goes a long way toward creating the local structure to address the concerns expressed by the community, particularly through local education reform groups such as the Committee on Public Education.

The conference action extends the definition of District-wide assessments to clarify the type of assessments that should be used and the professional standards they need to meet, as proposed by the Senate.

The conference action adds a definition of an electronic data system to be developed by the District of Columbia public schools as proposed by the Senate.

The conference action amends the definition of who is an eligible chartering authority, striking the House proposal designating local universities and adding the charter schools board created in Subtitle B, as proposed by the Senate.

The conference action includes a definition of individual career path, a course of study to prepare older students for the workforce, as proposed by the Senate.

The conference action adds a definition of literacy as proposed by the Senate.

The conference action changes the definition of student with special needs to limit it to a student with a disability.

Subtitle A requires that the Superintendent of Schools, with approval of the Board of Education, develop a long term reform plan for the District of Columbia Public School System. This provision builds on the efforts currently underway by the District. The long term reform plan outlined in the legislation uses the same philosophy outlined by the School Board President and the Superintendent in the one-year action plan entitled "Accelerating Education Reform in the District of Columbia: Building on BESST" that was submitted to Congress on July 13, 1995. The agreement requires that the plan be consistent with the financial plan and budget for the District of Columbia required by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8).

The conference action amends the District of Columbia public schools long term reform plan, adding items to be required in the plan, as proposed by the Senate. These items were proposed by the House for inclusion in Subtitle H, Progress Reports and Accountability but the conferees determined that it is only possible to hold the school system accountable for these actions after it is required by this Act to develop a reform plan addressing these issues.

The conference action adds several items to be included in the long term reform plan, including improving students' health and establishment of after-school programs, as proposed by the Senate.

In Subtitle B, the agreement authorizes the establishment of public charter schools. On October 23, 1995, the Education and Libraries Committee of the D.C. Council passed, by a vote of 4-0, very similar legislation authorizing the establishment of independent public charter schools. Prior to that, a recommendation that either the D.C. Council or the Congress enact legislation authorizing independent public charter schools was included in the reform plan submitted by the President of the D.C. Board of Education and the Superintendent to Congress on July 13, 1995.

The conferees find that public charter schools represent a new type of public education, but one that retains essential elements: public charter schools are funded by the public, are open to the public, and are accountable to the public for results. They are different from traditional public schools, however, in that they are not required to be managed by a government bureaucracy. Educators may establish new schools and have an opportunity to establish their vision. Such schools may not charge tuition, except to non-residents, and must be open to students with a broad range of aptitudes. A public charter school may limit admission based on grade levels and may choose to have an instructional focus, such as the arts, science, or advanced technology.

A number of accountability provisions are included. Eligible chartering authorities are responsible for reviewing the quality of a charter applicant's petition, as well as determining whether a school has been effective and its five-year charter should be renewed. Parental choice, informed by a school's performance on the District-wide assessments as well as other factors, constitutes another form of accountability. Further, the charter of a school may be revoked at any time for financial mismanagement.

The conferees find that public charter schools represent a key component of comprehensive reform. They encourage innovation and entrepreneurialism by educators and ensure freedom from the many burdensome rules and regulations that frustrate so many good teachers. Within certain limitations defined in the agreement, public charter schools have full control over their day-to-day operations, including budgeting, personnel, and contracting, but they are nonsectarian and nonprofit.

The conference action adds several items to the petition that applicants to establish public charter schools are required to file, as proposed by the Senate. These include a description of the proposed scope and size of the school, any special area of focus for the proposed school, and the employment relationship between the public charter school and its employees, and assurances that the public charter school will seek accreditation or licensing, as appropriate.

The conference action adds to the criteria that must be considered in approving or disapproving charter petitions whether the applicant can implement the petition, as proposed by the Senate. The conference action leaves to the discretion of the charter-approving entity whether to approve a petition even in cases where it determines that the petition satisfies all of the provisions of this title, as proposed by the Senate.

The conference action includes a provision limiting the number of charters that may be approved in the first year to ten, and limiting the number to five per charter-approving entity in future years, as proposed by the Senate.

The conference action adds a provision applying Part B of the Individuals with Disabilities Act and Section 504 of the Rehabilitation Act to public charter schools, proposed by the Senate. The conference agreement allows each public charter school to determine whether it is to be treated as a regular District of Columbia public school or as a Local Education Agency (LEA), for the purposes of those two laws.

The conference action adds a section establishing a public charter schools board, which would be a charter-approving body in the District of Columbia government, as proposed by the Senate. The agreement calls for the charter schools board to be appointed by the Mayor from nominees provided by the Secretary of Education.

The agreement encourages a number of federal agencies and institutions to explore the feasibility of establishing public charter schools, including the Smithsonian, the National Science Foundation, and others, as proposed by the House. The conference action adds the Department of Education to the list of entities encouraged to consider establishing public charter schools, as proposed by the Senate.

Subtitle C of the agreement creates a District of Columbia Even Start program, expanding the federal Even Start program in the District, as proposed by the House. The inclusion of Even Start as a part of the agreement is a reflection of the conferees' belief in the power of family literacy to ensure positive educational outcomes for young children. In a recent national adult literacy survey there were approximately 40 million adults who scored in the lowest level of the literacy scale. Twenty percent of the population of

this country have been found to have minimal basic skills. Even Start is based on the knowledge that children who have parents who can help and support them in their educational endeavors are more likely to succeed than those who have parents with low literacy skills and little knowledge on how to help their children succeed in school.

The District of Columbia Even Start initiative requires programs to be built on the findings of the "National Evaluation of the Even Start Family Literacy Programs," including the provision of intensive services in parent training and adult literacy or adult education. In addition the Chapter 1 Even Start Program is amended through this legislation to include comparable language on intensity of services. It is estimated that a quality Even Start Program requires \$225,000 per year to operate. The District of Columbia Program authorization level assumes this level of funding for each program by limiting the number of projects which can be funded in a given year.

The agreement includes the National Center for Family Literacy, a recognized authority in this field, for technical assistance to eligible entities. It is expected that the National Center for Family Literacy will assist in ensuring that funded projects are of high quality and provide the intensity of services necessary for success.

The agreement also includes an independent evaluation of District of Columbia Even Start programs in order to determine their effectiveness in providing high quality family literacy services.

Subtitle D of the conference agreement provides for assistance to the District of Columbia Public Schools in the development of a world-class core curriculum and District-wide student assessments, as proposed by the House, and content standards, as proposed by the Senate. The core of education is the curriculum. There is a need to ensure that students' competence in this core curriculum represent a high level of achievement, in fact that it be world class.

The provisions establishing such a task force originated with a request by the President of the D.C. Board of Education and the Superintendent—as part of the draft reform plan submitted to Congress on July 13, 1995—for approximately \$2,000,000 to be used for a new curriculum and assessments.

The conference action deletes the World Class Schools Panel, to have been appointed by Congress, the President, and the Mayor, replacing it with a grant to a nonprofit entity described as the "World Class Schools Task Force," as proposed by the Senate. The "World Class Schools Task Force" must meet several criteria in order to receive the grant (including a national reputation for advocating rigorous core curriculum and experience working with large urban school districts on content standards). The conferees expect that the Council for Basic Education (CBE) will serve as the World Class Schools Task Force.

Because even the formal adoption of a high-quality curriculum constitutes only the first step in enabling students to master such a curriculum, assessments that describe how well students are performing in the new curriculum are also vital. To be of maximum use, assessments need to inform parents of their own child's progress, as well as the progress of the school. Such information needs to be placed in the context of the performance of other

schools. In order to judge whether such performance is truly “world class,” it must be placed in the context of student achievement in other nations, such as Germany, France, Japan, and South Korea. Tools useful for developing assessments providing such comparisons are becoming increasingly available, such as the Third International Mathematics and Science Study (TIMSS). Further, it is also important that such assessments satisfy professional technical standards, such as validity, reliability and freedom from bias, as established by the American Psychological Association and the American Education Research Association.

The conference action deletes the requirement that information from assessments be comparable with information from other states and the nation as a whole, as proposed by the Senate. The agreement maintains, however, the expectation that assessments, to the extent feasible, provide comparable information with students from other nations.

The establishment of new criteria for grade promotion, taking into account the new curriculum and assessments, was also included in the reform plan submitted by the President of the D.C. Board of Education and the Superintendent to Congress on July 13, 1995. The conference action amends the grades for which criteria for student promotion (“promotion gates”) are to be established to include at least grades four, eight and twelve, as proposed by the Senate.

Subtitle E of the conference agreement directs the District of Columbia to develop a per pupil formula for funding K–12 education starting in FY 1997. This uniform formula will be used to provide operating budgets on the basis of enrollment for the school system as a whole and for individual public charter schools. According to the January 1995 report by COPE, “Of the 40 largest school systems in the country, the District ranked first in per pupil expenditures.”

In the context of low student academic achievement, this information is disturbing and as a result the District of Columbia is directed to establish a uniform and efficient formula for funding public education. The same formula will be used for students enrolled in individual public charter schools authorized in subtitle B of this agreement and the District of Columbia Public School System. The formula may take into account such variations as students at different grade levels and students with special needs. Such a formula will clarify and focus decisions regarding funding for public education around students’ needs.

For each of fiscal years 1996 through 2000, funds are authorized to pay for transition costs associated with starting public charter schools. These funds are necessary because the school years begin in September while the fiscal year begins in October, therefore resulting in a one month funding gap for new public charter schools.

The conference action amends a House proposal to direct the General Accounting Office (GAO) to determine the number of students in the District of Columbia Public Schools, instead directing the Board of Education to arrange with the Financial Responsibility and Management Assistance Authority to conduct an independent audit of the school system’s count, as proposed by the Senate.

Subtitle F of the conference agreement seeks to begin addressing the facilities problems that plague the District of Columbia Public Schools. On August 14, 1995, the Superintendent received the report of his task force on education infrastructure for the 21st century, "Preliminary Facilities Master Plan 2005." The report describes the physical state of public school facilities and the necessary steps to remedy that state. It sets out in plain terms the current condition of the public schools:

Sixty-two percent of the District's public schools are over forty-five years old but only 8 of the 163 operating schools have ever had total renovations.

There is an inability to accommodate educational programs, initiatives, and technology.

There is no school building able to support a comprehensive vocational or career focus to prepare students for work in the 21st century.

The Superintendent's task force put a price tag of \$1.2 billion to restore the buildings to a state of good repair, modernize schools and provide infrastructure support for technology.

The agreement encourages assistance by the private sector and government agencies to bring new life to the bricks and mortar of the school buildings. The Superintendent and the Administrator of the General Services Administration (GSA) are expected to enter into an agreement whereby the GSA will provide technical assistance for donated work from the private sector. The conferees have included \$500,000 to offset GSA expenses related to the engineering work.

In addition, the agreement calls on the Mayor and the District of Columbia Council, in consultation with the Administrator, the Financial Responsibility and Management Assistance Authority, the Board of Education and the Superintendent, to design a long-term facilities revitalization program and designate a new or existing agency or to carry out this program.

The conference action gives the District of Columbia Public School system the authority to accept gifts on behalf of the District of Columbia, as proposed by the Senate.

Subtitle G of the conference agreement authorizes funds for the planning and initial capital costs to develop a residential school within the District of Columbia, as proposed by the House.

In a July 13, 1995 reform plan submitted to Congress, the President of the Board of Education and the Superintendent proposed allowing the District of Columbia to establish a public residential school. This amendment provides funds to the District to establish such a school. The District of Columbia Public School System has indicated that it intends for such a school to be designed for highly disruptive or troubled youth and this is the expectation. Several school systems have public residential schools operating, including in Texas and North Carolina. The city of Chicago is experimenting with the idea in a public housing complex.

The conference agreement changes the distribution of the \$2 million authorized for a residential school in the House proposal. Instead of the entire amount authorized in FY 1996, there are authorized \$100,000 in FY 1996 for developing a comprehensive im-

plementation plan and \$1,900,000 in FY 1997 for the capital costs associated with preparing a school facility.

Subtitle H of the conference agreement requires the Superintendent to report by December 1, 1996, on the progress of the District of Columbia Public School system in implementing the long-term reform plan described in subtitle A. Conference action deleted a number of specific items proposed by the House for this report, as proposed by the Senate. These items were moved to subtitle A as items to be addressed in the long-term reform plan. Since the Superintendent is expected to report on the implementation of those goals on December 1, the report should address many of these same issues.

The agreement also requires the Chairperson of the D.C. Council to report, by April 1, 1996, on legislative actions taken or planned by the D.C. Council to support implementation of the goals of the long-term reform plan. Among other topics, the Council Chairperson will also be expected to report on actions taken or planned in response to the Council's responsibility under subtitle G to develop a long-term facilities revitalization program and to designate, or create, an agency or authority to implement such a program.

The conference agreement includes in subtitle I the House proposal for "Partnerships with Business." Within the context of limited public resources and an ever increasing demand for additional and more effective services—this subtitle is intended to facilitate a process and develop an infrastructure under which private sector contributions are effectively leveraged to bring about positive change in the community.

The DELTA Council is designed to be the formal private sector entity that will solicit, organize, and coordinate private sector contributions that would be made available to the D.C. public schools under this initiative. The Council will be particularly important in securing in-kind contributions of technology, equipment, hardware, and software, and pro bono contributions of time and expertise of private sector personnel. An individual is appointed as a member of the Council on the basis of the commitment of the individual, and the private sector entity the individual is representing, to provide time, energy, and resources to the Council.

The private nonprofit corporation that establishes the DELTA Council under this subtitle will work cooperatively with the Superintendent, school administrators, teachers, parents, and students to devise plans for how private sector resources will be utilized in the schools for maximum impact. The corporation will coordinate plans with the schools for private sector contributions to career academies, school-to-work opportunities, voluntary assistance with repairs and improvements, and other related activities intended to benefit the students of the District.

The private nonprofit corporation will have a number of specified duties to increase private sector assistance for the school system. Such duties and activities would include: devising a short term and long term plan to ensure access to needed technology in the schools; the design and establishment of a model District Employment and Learning Center; promoting the participation of local employers in career academy programs and school-to-work opportu-

nities; voluntary assistance in support of repairs and improvements to schools; establishing a professional development program for teachers and administrators; and developing a program of rewards for student accomplishment in cooperation with participating local businesses.

Most of these duties require on-going cooperation with the Superintendent, school administrators, teachers, parents, students, and the corporate donors. It is expected, therefore, that funds made available to the corporation to carry out its duties under this subtitle may be used for staff expertise and other costs associated with the design, start-up, and administrative responsibilities necessary to accomplish major duties that may not be covered by private sector contributions.

It is expected that the designated nonprofit corporation will solicit the expertise and resources of private sector businesses, universities, nonprofit entities, teachers, and school administrators to help establish a professional development program for teachers and administrators. As with other key initiatives under this subtitle, it is expected that participating entities will donate time, expertise, resources, equipment, and facilities to the success of the professional development program.

This subtitle requires that the professional development program will, at a minimum, provide for: training of teachers in core curriculum subjects; private sector training of teachers in the use, application, and operation of state-of-the-art technology in education; and training for principals in effective private sector management practices. In FY 1996, the focus of curriculum training will be on curriculum for elementary grades in reading and mathematics that have been demonstrated to be effective for students from low-income backgrounds.

As a collaborative venture with the private sector, particularly those businesses contributing technology to the schools, the professional development program is expected to provide teachers with a wide variety of world-class applications for educational technologies. For students to get the maximum benefit from advanced technology, it is important that teachers gain a sophisticated knowledge of technology and understand its role in the modern workplace. As a result, teacher knowledge and principals' management skills are important goals of the professional development program.

The unemployment rate for 18–25 year olds in the District of Columbia is simply too high. There needs to be an effective effort, beyond school reform, to assist these individuals in gaining the skills necessary to obtain and retain employment. This subtitle provides for the District Employment and Learning Center, "DEAL Center". The center will provide the District with a regional institute to provide job training and employment assistance for these individuals. The basic premise behind this center is that one of the most effective approaches to employment programs is the combination of on-the-job and classroom training. As such, the center will focus on job placement, including temporary work assignments, combined with training opportunities. This training may be supported with needs-based payments in order to make training a via-

ble option for those individuals who may otherwise not be able to afford the time to participate in such a program.

The center will use funds from a variety of sources (beyond what is made available under this section), including funds leveraged through the private sector by the DELTA council and through partnerships with other governmental agencies and appropriate federal employment and training programs.

It is recognized that there are currently efforts in this Congress aimed at streamlining the multitude of Federal job training and employment programs and providing a simpler framework for state and local implementation of such federal programs. This subtitle encourages such reforms to be started within the District by the Mayor as soon as possible and further supports full accountability for these funds. The conferees encourage the Mayor and other local officials to coordinate the design and implementation of such reforms with the efforts of the DELTA council and with the efforts of the DEAL Center.

It is recognized that the DEAL Center does not currently exist and must be established. The Congress intends that the Center be established as a demonstration program which may serve as a model to be replicated. It is recognized that it will take considerable effort in the first year to establish the Center, design curriculum, enter into partnership agreements with education providers such as universities and community and technical colleges, enter into agreements with employers, and enroll students. It is expected that a greater portion of the funds appropriated for the Center will be used for start-up costs in the first year than in subsequent years.

It is expected that, in designing the curriculum for programs under the Center, particular attention will be given to identifying sectors where jobs are, or will be, available. As part of the private sector commitment to these youth, it is expected that the wages paid to students during any worksite training experience with employers will be paid for largely with private sector funds. It is expected that employers who engage in training the Center's participants will hire successful graduates of the programs.

As a regional institute, the DEAL Center will draw on a variety of employment and training opportunities throughout the Washington metropolitan area. Training assistance and job opportunities for D.C. youth will be funded from resources provided under this subtitle or from other resources identified by the Center.

This subtitle also recognizes the value of implementing nationally-proven programs. One such example is the Jobs for America's Graduates (JAG) program. According to the 1994 Annual Report issued by JAG, the program has benefited over 175,000 young people in 22 different states and 400 communities. Over 90 percent of them have successfully completed high school and over 80 percent, at the end of nine months after leaving school are either on the job, in the military or enrolled in postsecondary education or training.

This subtitle authorizes funding for a Jobs for D.C. Graduates Program modeled after the JAG program and consistent with Jobs for America's Graduates, Inc. This program would assist schools in workforce preparation initiatives. Specifically, these initiatives assist at-risk and disadvantaged youth in graduating from high

school and in finding and maintaining quality jobs thereafter. It is expected that FY 1996 funding would serve approximately half of all 12th grade students and funding authorized in future years would include all interested 12th grade students.

Subtitle J of the conference agreement includes measures that are designed to enhance management and fiscal accountability in the District of Columbia Public School system, some of which had been added to the D.C. budget by the D.C. Council.

The agreement includes a requirement that the Superintendent contract for food and security services unless he determines that it is not feasible.

The agreement includes a requirement that the District of Columbia Public School system work with the Financial Responsibility and Management Assistance Authority to develop management and data systems that are consistent with those being developed across the District of Columbia government. The agreement provides that the Board of Education pay for these upgrades with \$1.5 million out of the Board's own budget, which is currently being used to pay for Board members' salaries, Board staff, and other Board expenses.

The agreement requires the Board of Education to report on positions and staff in the District of Columbia public schools.

The agreement requires that the Board of Education develop revised annual budgets that are consistent with the D.C. Appropriations Act, including all staff allocated to each public school, zero-based budgeting, and school-by-school budgets.

Subtitle K of the conference agreement includes provisions that had been added to the D.C. Budget by the D.C. Council. These include protection for school-based personnel in the case of a Reduction In Force (RIF), reforms of personnel laws, and removal of evaluation of teachers from collective bargaining.

Subtitle L of the agreement establishes a seven member Commission on Consensus Reform in the District of Columbia Public School system, as proposed by the Senate. The conference action deletes sections of the Senate proposal that would give a Consensus Reform Commission authority to approve the long-term reform plan to be developed by the District of Columbia Board of Education under subtitle A, or to direct the Board of Education to take specific actions to implement the long-term reform plan, as proposed by the House. The Consensus Commission will play a key role in the implementation of reforms in the District of Columbia public schools as it will monitor the effectuation of the long-term reform plan. As part of that role, the Consensus Commission will identify any obstacles to the realization of the reform plan and suggest ways to remove those obstacles, up to and including recommending actions to the Financial Responsibility and Management Assistance Authority to remove such obstacles.

In Subtitle M, the conference action removes a House proposal to link federal AFDC benefits to attendance at parent-teacher conferences. The conferees retain language proposed by the House authorizing the Mayor to encourage parents to attend parent-teacher conferences.

In Subtitle N, the conference agreement includes the House proposal to establish a "Low-Income Scholarships" program that, in

the context of Title II, the "District of Columbia School Reform Act of 1995," would provide low-income residents of the District of Columbia with greater equality of educational opportunity. The Senate recedes on the "Low-Income Scholarships" program with substantial amendments.

It is widely agreed that adequate improvement in all of the District of Columbia public schools, especially those schools that primarily serve low-income families, will take a number of years. At least until such a time, low-income parents deserve the same opportunity as higher-income parents to seek out the best education for their children. Further, some point out that even after adequate improvement has been made in the public schools, they would benefit from competition with private schools aimed at satisfying the needs of low-income families.

The conference action adds the Board of Education, the Superintendent of District public schools, and the Consensus Commission as entities that must be consulted by the non-profit corporation in administering the scholarship program, as proposed by the Senate.

The conference action establishes an account in the District of Columbia General Fund, with the Mayor required to disburse funds to the non-profit corporation.

The conference action limits the federal funds that may be used by the nonprofit corporation for administrative expenses to \$250,000, as proposed by the Senate, a reduction from the House proposal of \$500,000.

The conference agreement establishes the following nominating process for Presidentially-appointed members of the Board of the scholarship corporation: two will be appointed from nominees submitted by the Speaker, one will be appointed from nominees submitted by the House minority leader, two will be appointed from nominees submitted by the Senate majority leader, and one will be appointed from nominees submitted by the Senate minority leader. The Mayor retains one appointment.

The conference action adds a provision stating that it is the intention of the Congress to turn over to the District of Columbia control of the scholarship program established under this subtitle at the end of five years, as proposed by the Senate.

The conference action strikes a proposal by the House that only U.S. citizens may serve on the Board of the nonprofit corporation, or as staff to, the nonprofit corporation, as proposed by the Senate.

The conference action adds a provision directing the nonprofit corporation to attempt to ensure an equitable distribution of scholarship funds among eligible students with a range of academic achievement, as proposed by the Senate.

The conference action extends from one year to three years the period during which the nonprofit corporation must place a priority on serving students who are either enrolled in the District of Columbia public schools or are preparing to enter kindergarten, as proposed by the Senate.

The conference agreement permits tuition scholarships to be used for the cost of tuition at private religious or non-religious schools in the District.

The conference agreement extends permissible uses for tuition scholarships to include the costs to recipients of mandatory fees and transportation to schools.

The conference agreement authorizes "enhanced achievement" scholarships for the following purposes: the costs of non-sectarian, after-school instruction focused on helping students learn the new core curriculum (established under this Act for the District of Columbia public schools); the costs of non-academic, after-school programs, such as music lessons or athletics, and, tuition, transportation costs, and mandatory fees for vocational and technical training programs for older students.

The conference action increases the maximum amount of scholarships for after-school activities from no more than \$500 in the House proposal to no more than \$1,500 for students in families whose income is not more than the poverty rate, and no more than \$750 for students in families whose income is more than the poverty rate but less than 185% of the poverty rate, as proposed by the Senate.

The conference agreement establishes a process for approval by the District of Columbia Council of the non-profit corporation's allocation of funds between tuition scholarships and enhanced achievement scholarships. The non-profit corporation will submit to the D.C. Council a proposed allocation of federal funds between the two types of scholarships. The D.C. Council will have thirty days to consider the proposed allocation and either approve or disapprove it. If the D.C. Council disapproves it, the non-profit corporation will resubmit a revised allocation. No federal funds may be spent on scholarship assistance to students by the non-profit corporation until the D.C. Council has approved a proposed allocation between the two scholarships. Before such approval is secured, the non-profit corporation may spend federal funds on administration expenses, but not on direct assistance to students (i.e., through payments on their behalf to service providers).

The conference agreement expands the "provisional" certification process to include eligible institutions serving enhanced achievement scholarship students, as well as "schools." In addition, the conference agreement lengthens the period of time to three years for which schools are required to have been in operation in order to receive permanent (rather than provisional) certification. Thus a brand new school begun with scholarship students would need to apply for provisional certification for each of its first three years of operation before it could receive permanent certification.

The conference agreement requires that private schools and other organizations seeking to participate in the program provide assurances that they will not require students to participate in religious ceremonies or attend religion classes unless their parents provide written approval. This prohibition is only intended to apply to classes or activities whose sole or primary purpose is to encourage sectarian beliefs or practices. It would not apply, for example, to a comparative religion class where the general framework was analytic nor would it apply to passing references to religious or moral tenets in a social studies class.

The conference action requires that private schools and other organizations seeking to participate in the program provide assur-

ances that they will not use federal scholarship funds to pay for religion classes or religious ceremonies, except for teacher salaries in the case where such teachers also teach academic classes, as proposed by the Senate.

The conference agreement requires that private schools and other organizations seeking to participate provide assurances that they will design and implement due process procedures for suspension or expulsion that must include an appeals process.

The conference agreement permits the nonprofit corporation to deny recertification for new schools, or to revoke eligibility for participating schools, for: good cause, including a pattern of violation of program requirements; or for consistent failure of at least twenty-five percent of scholarship students to make appropriate progress in academic achievement.

The conference agreement establishes a section that clarifies that private schools and other organizations that serve scholarship students shall be deemed to be recipients of federal financial assistance for the purpose of triggering application of relevant federal civil rights laws. The enforcement of such civil rights laws, as well as applicable local civil rights laws, is to be handled in the normal manner by the appropriate entities designated such responsibility.

The conference agreement provides that receipt of scholarship funds by a private school will be deemed receipt of Federal funds for purposes of section 504 of the Rehabilitation Act of 1973, ensuring that the section will apply to all such schools. The conference agreement also ensures that students with disabilities are identified for purposes of the Individuals with Disabilities Education Act (IDEA). At the request of the student's parent or the private school, D.C. public schools will be required to evaluate disabled students and develop an Individualized Education Program for qualified students.

The conference agreement requires that private schools and other organizations applying for certification to participate in the program provide assurances that they will abide by all local regulations applicable to such institutions. Primary responsibility for enforcing such compliance will remain with the public entities normally responsible for such enforcement.

The conference agreement prohibits the use of scholarship funds for construction of new facilities, such as school buildings. The use of scholarship funds for repair, renovation, or improvement of existing facilities is permitted.

The conference agreement includes a provision requiring that the evaluation of the scholarship program shall be provided for by the Department of Education and authorizing \$250,000 for this purpose. The conference action also requires that the Department make available for public review the data gathered from this evaluation (with appropriate protections for students' privacy), as proposed by the House.

The conference action requires that the nonprofit corporation's annual report to Congress address how scholarship funds were expended, including the initial academic achievement of participating students, as proposed by the Senate.

Fundamental to the concept of this scholarship program—taken in the context of Title II as a whole, including the provision

in Subtitle A requiring that the Board of Education's long-term reform plan include greater choice among District of Columbia public schools, as well as Subtitle B, which would allow choice among public charter schools—is the maximization of equality of opportunity for low-income families. Some First Amendment establishment clause concerns have been expressed regarding whether this subtitle provides direct Federal assistance to sectarian schools. It does not, however, provide direct Federal assistance to any participating schools. Rather, the assistance is to the student. The intent of the bill is to make clear that the students are the primary beneficiaries of the scholarships, and not the schools. This subtitle envisions no discrimination for or against the participation of private schools in this program on the basis of religion, but instead neutrality.

The low-income scholarship program was carefully designed to satisfy Constitutional requirements under the First Amendment. Over the past twelve years, the U.S. Supreme Court consistently has upheld programs that provide assistance for students who attend private schools. In *Mueller v. Allen*, 463 U.S. 388 (1983), the Court upheld Minnesota's income tax credits for educational expenses, most of which were incurred in religious schools. In *Witters v. Department of Services for the Blind*, 474 U.S. 481 (1986), a program paying for a blind student to pursue training for the ministry at a religious seminary was upheld. In *Zobrest v. Catalina Foothills School Dist.*, 113 S. Ct. 2462 (1993), the Court sustained the use of funds under the Individuals with Disabilities Education Act to pay an interpreter for a deaf child attending a Catholic high school.

In these cases, the Court established that such assistance is permissible if: (1) the choice where to use such assistance is made by parents of students, not the government; (2) the program does not create a financial incentive to choose private schools; and (3) it does not involve the government in the school's affairs.

The proposed scholarship program, together with other provisions in the "District of Columbia School Reform Act of 1995", fulfills these criteria. Like the G.I. Bill and federal day-care assistance, the choice of where scholarship funds are expended is made not by the government but by the scholarship recipients. Because the tuition scholarships amount only to the cost of tuition and necessary expenses or some lesser amount, the program does not create a financial incentive to choose private schools. Scholarships are also available to pay the costs of supplemental services for public school students, who already receive a free education. Moreover, the program involves only the most limited regulations necessary to ensure that reasonable educational and public policy objectives are met, and does not create entanglement between the government and religious schools.

The conference action deletes the proposal by the House to establish a "D.C. Desk" in the Department of Education, as proposed by the Senate. The conferees are supportive of the work currently being done by the non-statutorily authorized D.C. Desk in the Department's Office of Educational Research and Improvement (OERI), as well as the efforts of the Deputy Secretary to support education reform in the District of Columbia, but see no need to enact legislation in this regard at this time. The conferees encour-

age the Secretary of Education to upgrade activities supporting education reform in the District of Columbia and coordinate them Department-wide, perhaps by establishing a "D.C. Desk" in the Office of the Deputy Secretary.

OTHER GENERAL PROVISIONS

The conference action amends section 301 proposed by the Senate by changing the section number to 147 and restoring the language proposed by the Senate that prohibits the use of any funds in this Act for the renovation of Eastern Market located at 227 7th Street Southeast. The language permits the use of funds in this Act for the regular maintenance and upkeep of the current structure and grounds.

The conference action deletes section 302 proposed by the Senate that would have required the District government to reduce energy costs in facilities used by District agencies.

The conference action deletes section 303 proposed by the Senate that would have prohibited Members of Congress and the President from receiving basic pay because of Federal government shutdowns resulting from (1) a failure to enact a regular appropriations bill or continuing resolution or (2) the Federal government not being able to make payments or meet obligations because the public debt limit had been reached. The language would have also prohibited any retroactive pay.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

<i>Federal funds</i>	
New budget (obligational) authority, fiscal year 1995	\$712,070,000
Budget estimates of new (obligational) authority, fiscal year 1996	712,070,000
House bill, fiscal year 1996	712,000,000
Senate bill, fiscal year 1996	712,000,000
Conference agreement, fiscal year 1996	727,000,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	+14,930,000
Budget estimates of new (obligational) authority, fiscal year 1996	+14,930,000
House bill, fiscal year 1996	+15,000,000
Senate bill, fiscal year 1996	+15,000,000
<i>District of Columbia funds</i>	
New budget (obligational) authority, fiscal year 1995	\$5,069,252.635
Budget estimates of new (obligational) authority, fiscal year 1996	5,250,386,000
House bill, fiscal year 1996	4,969,322,000
Senate bill, fiscal year 1996	5,114,273,000
Conference agreement, fiscal year 1996	5,096,039,000

Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	+26,786,365
Budget estimates of new (obligational) authority, fiscal year 1996	- 154,347,000
House bill, fiscal year 1996	126,717,000
Senate bill, fiscal year 1996	- 18,234,000

JAMES T. WALSH,
HENRY BONILLA,
JACK KINGSTON,
RODNEY P. FRELINGHUYSEN,
MARK W. NEUMANN,
BOB LIVINGSTON,
Managers on the Part of the House.

JIM JEFFORDS,
BEN NIGHTHORSE CAMPBELL,
MARK O. HATFIELD,
Managers on the Part of the Senate.

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