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A BILL

21-601

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To establish the District of Columbia State Athletics Commission as an independent agency; to reorganize the District of Columbia State Athletic Association (“DCSAA”) to make it subordinate to the District of Columbia State Athletics Commission and to authorize the DCSAA to implement and enforce the Mayor’s regulations governing the conduct of interscholastic athletics programs; and to make conforming amendments.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District of Columbia State Athletics Consolidation Act of 2016”.

TITLE I. ESTABLISHMENT OF DISTRICT OF COLUMBIA STATE ATHLETICS COMMISSION AND REORGANIZATION OF THE DISTRICT OF COLUMBIA STATE ATHLETICS ASSOCIATION

Sec. 101. Short title.

This title may be cited as the “District of Columbia State Athletics Commission Establishment and State Athletics Association Reorganization Act of 2016.”

Sec. 102. Definitions.

For the purpose of this act, the term:

(1) “Athletic Appeals Panel” means a review panel composed of 3 voting

members of the District of Columbia State Athletics Commission.

ENGROSSED ORIGINAL

26 (2) "Athletic League" includes the District of Columbia Interscholastic Athletic
27 Association or its successor, the Public Charter School Athletic Association or its successor, and
28 any other collaborative of LEAs or schools the purpose of which is to organize interscholastic
29 athletic completions against other members of the collaborative.

30 (3) "Commission" means the District of Columbia State Athletics Commission.

31 (4) "DCPS" means the District of Columbia Public Schools.

32 (5) "DCSAA" means the District of Columbia Athletic Association.

33 (6) "DCSAA-sponsored sport" means a sport in which DCSAA hosts a state
34 championship.

35 (7) "DCSAA-sanctioned competition" means an interscholastic athletic event or
36 program governed by DCSAA membership standards.

37 (8) "Interscholastic athletics program" means all athletic activities or sports
38 offered within a school, the purpose of which is to provide opportunities for students to compete
39 with other students on like teams in other schools.

40 (9) "Local education agency" or "LEA" means the District of Columbia Public
41 Schools system or any individual or group of public charter schools operating under a single
42 charter.

43 (10) "Member school" means a public, public charter, parochial, or private school
44 in the District that is a member of the DCSAA.

45 (11) "OSSE" means the Office of the State Superintendent of Education.

46 (12) "Participant" means an enrolled student who is attending a member school
47 and who is listed on the tryout roster or official team roster of a school-sponsored athletic team
48 that participates in the school's interscholastic athletic program.

49 (13) "Participant eligibility" means the status of a student's fitness to participate
50 in a DCSAA sanctioned competition based on both residency and academic requirements.

51 Sec. 103. District of Columbia State Athletics Commission; establishment; composition;
52 terms; vacancies.

53 (a) There is established, as an independent agency, a commission to be known as the
54 District of Columbia State Athletics Commission:

55 (b) The Commission shall consist of 9 voting members, appointed by the Mayor, with the
56 advice and consent of the Council in accordance with § 1-523.01, and 6 ex-officio nonvoting
57 members.

58 (1)(A) At least one of each of the following shall be appointed as a voting
59 member of the Commission:

60 (i) A parent of a student enrolled in member public charter school
61 located in the District;

62 (ii) A parent of a student enrolled in a DCPS school;

63 (iii) A parent of a student enrolled at a private or parochial member
64 school located in the District;

65 (iii) A member of the District of Columbia Interscholastic Athletic

66 Association, or its successor; and

67 (iv) A member of the Public Charter Interscholastic Athletic
68 Association, or its successor, if a majority of public charter schools that offer interscholastic
69 athletics are members of the DCSAA.

70 (B) Voting members shall be residents of the District of Columbia.

71 (C)(i) Voting members shall serve regular terms of 4 years and may be
72 reappointed for a single term of 4 years, except that of the members first appointed, the Mayor
73 shall designate 3 to serve terms of 4 years, 2 to serve terms of 3 years; 2 to serve terms of 2
74 years; and 2 to serve a term of one year.

75 (ii) The initial term for voting members shall begin on the date that
76 a majority of the voting members are sworn in, which shall become the anniversary date for all
77 subsequent appointments.

78 (iii) Where a vacancy occurs for reasons other than the expiration
79 of the voting member's term, the Mayor shall appoint, with the advice and consent of the
80 Council, an individual to serve in the vacant position, taking into consideration the criteria of this
81 subsection.

82 (iv) Any voting member appointed to fill a vacancy shall be
83 appointed only for the remainder of the predecessor's term.

84 (v) A vacancy appointment shall not count toward the term-limits
85 otherwise provided in this paragraph.

86 (E) The Mayor shall not remove a voting member except for cause.

87 (2)(A) The ex-officio nonvoting members of the Commission shall be:

88 (i) The Director of OSSE, or his or her designee;

89 (ii) The Chancellor of DCPS, or his or her designee;

90 (iii) The Chair of the Public Charter School Board, or his or her
91 designee;

92 (iv) The Deputy Mayor for Education, or his or her designee;

93 (v) The Director of the Department of Parks and Recreation, or his
94 or her designee; and

95 (vi) The Director of the Department of General Services, or his or
96 her designee.

97 (B) Nonvoting members shall support the Commission by providing
98 information and advice related to interscholastic athletic programming and by advancing policies
99 and programs consistent with the work of the Commission.

100 Sec. 104. Commission Administration.

101 (a) The Commission shall choose annually from among its members a Chairperson and
102 such other officers as it deems necessary. All meetings of the Commission shall be called by the
103 Chairperson or a majority of the members, except the first meeting of the Commission shall be
104 called by the Mayor.

105 (b) A majority of the Commission's voting members, not including any vacant or unfilled

106 positions, shall constitute a quorum sufficient for conducting the business of the Commission.

107 (c)(1) The Commission shall meet at least quarterly.

108 (2) All meetings shall be held in the District, open to the public, and provide a
109 reasonable time during the meeting for public comment.

110 (3) A voting member's absence from 2 consecutive meetings or any 3 meetings in
111 a calendar year shall be cause for removal.

112 (d) Members of the Commission shall serve without compensation, but shall be entitled
113 to receive, in accordance with applicable District of Columbia law, reimbursement for expenses
114 incurred while actually performing duties vested in the Commission.

115 (e)(1) The Commission shall employ an Executive Director and may employ other such
116 staff as necessary to support its efficient operation.

117 (2) The Commission shall appoint the Executive Director, who shall serve a three
118 year term, by majority vote. The Executive Director may be reappointed by a majority vote.
119 After notice and an opportunity to be heard, the Commission may remove the Executive Director
120 only for cause that relates to the Executive Director's character or efficiency by a majority vote
121 of the Commission.

122 (f) Within 100 days of the date on which a majority of the voting members are sworn in,
123 the Commission shall adopt rules of governance and procedure pertaining to its operations and
124 the operations of appeals panels, which it shall make publically available.

125 (g)(1) The Mayor shall provide funding for the Commission in the annual budget request

126 to the Council as a separate program code within the budget request for OSSE.

127 (2) The Commission shall submit annual oversight and budget reports to the
128 Council through OSSE.

129 (3) Nothing in this subsection shall be construed as granting OSSE power or
130 authority over the Commission, the DCSAA, or their staff.

131 Sec. 105. Duties of the Commission.

132 The Commission shall:

133 (1) Oversee the functions and operations of the DCSAA.

134 (2) Recommend changes to and annually approve the DCSAA Handbook.

135 (3) Establish athletic appeals panels pursuant to section 108 of this act and issue
136 the final decisions of such panels;

137 (4) Advise the Mayor, OSSE, and the Council on matters related to interscholastic
138 athletics in the District and recommend rules to regulate interscholastic athletics programs and
139 competitions; and

140 (5) Take actions necessary and consistent with the laws of the District to
141 implement its duties under this subsection.

142 Sec. 106. Commission Appeals Panels.

143 (a) The Commission shall establish appeals panels to hear appeals from LEA decisions
144 related to participant eligibility and decisions of the DCSAA.

145 (b)(1) The Chairperson of the Commission shall appoint a separate appeals panel for each
146 matter brought before the Commission. Each panel shall be composed of 3 voting members.

147 (2) A voting member who represents an athletic league shall not hear an appeal to
148 which a member of the same athletic league is a party.

149 (3) A voting member of the Commission shall disclose a potential conflict of
150 interest, as defined by the Commission in its rules of governance and procedure, in any matter
151 before the Commission and shall not be appointed to an appeals panel for that matter.

152 (c) An appeals panel shall hear all issues relating to an appeal de novo, except that the
153 evidence before the panel shall be limited to the record made before the LEA or the DCSAA
154 unless a party seeks to introduce relevant evidence that, in the exercise of reasonable diligence, it
155 could not have produced during the initial hearing on the complaint or that was improperly
156 excluded from the initial hearing on the complaint.

157 (d)(1) In a written decision, the Commission shall issue the decision of an appeals panel
158 affirming or denying the decision of an LEA or the DCSAA.

159 (2) The decision of the Commission shall be final.

160 Sec. 107. District of Columbia State Athletic Association Reorganization.

161 (a)(1) The District of Columbia State Athletic Association (“DCSAA”) shall be
162 established as an office under the direction and control of the Commission.

163 (2)(A) By October 1, 2018, but not before the first meeting of the Commission,
164 the Mayor shall transfer to the DCSAA within the Commission such positions, personnel,

165 property, records, and unexpended balances of appropriations, allocations, and other funds
166 available or assigned to the District of Columbia State Athletic Association or the State Athletic
167 Office within OSSE, at which time such subordinate offices within OSSE shall be abolished.

168 (B) Nothing in this paragraph shall be construed as obligating the
169 Commission or the DCSAA to employ personnel transferred pursuant to this paragraph for any
170 period of time.

171 (3) All rules, orders, obligations, determinations, grants, contracts, licenses, and
172 agreements of the OSSE relating to functions transferred to the DCSAA pursuant to this section
173 shall remain in effect according to their terms until lawfully amended, repealed, or modified.

174 (b)(1) The Executive Director of the Commission shall serve as Director of the DCSAA.

175 (2) Subject to the direction and supervision of the Commission, the Director of the
176 DCSAA shall:

177 (A) Manage the budget and operations of the DCSAA in a manner that
178 reflects DCSAA's mission;

179 (B) Provide administrative support to the Commission;

180 (C)(i) Employ a General Counsel, who shall serve as chief legal advisor to
181 the DCSAA and such other subordinate staff consistent with the needs and budget of the
182 DCSAA. The Director of the DCSAA shall be the personnel authority for DCSAA employees;
183 and

184 (D) Regularly report on the DCSAA's activities to the Commission.

185 (3) The Executive Director of the Commission shall not serve as a voting or ex-
186 officio member of the Commission or on an athletic appeals Panel.

187 Sec. 108. District of Columbia State Athletic Association, Purpose, Mission, Duties.

188 (a) The purpose of the DCSAA is to provide leadership and support for interscholastic
189 athletics programs in the District.

190 (b) The mission of the DCSAA is to:

191 (1) Ensure that interscholastic athletics programs are compatible with the
192 educational mission of member schools;

193 (2) Provide for fair competition between member schools;

194 (3) Promote sportsmanship and ethical behavior for participants, coaches,
195 administrators, officials, and spectators;

196 (4) Promote gender equity and equal access to athletic opportunity; and

197 (5) Protect the physical well-being of participants and promote healthy adolescent
198 lifestyles.

199 (c) The DCSAA shall:

200 (1) Support the duties of the Commission;

201 (2) Set and enforce membership standards. Such standards shall be consistent with
202 existing District laws and regulations;

203 (3) Certify member schools' coaches and event officials;

204 (4) Possess exclusive jurisdiction over the implementation and enforcement of the
205 Mayor’s rules and regulations governing the conduct of interscholastic athletics programs,
206 including regulations related to participant eligibility. Nothing in this subparagraph shall be
207 construed as limiting or affecting the power of the Commission to issue a final decision on an
208 appeal to an appeals panel;

209 (5) Ensure member school compliance with applicable District laws and
210 regulations related to participant health and safety;

211 (6) Develop and offer training guidance on the health, safety, and wellness of
212 participants pursuant to national best practices;

213 (7) Sanction competitions and establish seasons for DCSAA-sponsored sports;

214 (8) Enforce the Title IX Athletic Equity Act of 2015, effective October 21, 2015
215 (D.C. Law 21-29; D.C. Official Code § 38-841.05);

216 (9) Annually publish and distribute a handbook containing the playing rules,
217 codes of conduct, sanctions, and guidelines for every DCSAA-sponsored sport. Except as
218 otherwise approved by the Commission, the DCSAA handbook shall incorporate the playing
219 rules, codes of conduct, sanctions, and guidelines contained in the National Federation of State
220 High School Associations’ (“NFHS”) Rules Books;

221 (10) Except as otherwise provided by law or regulation, hear and decide
222 complaints as authorized in section 112 of this act;

223 (11) Administer the State Athletic Activities, Programs, and Office Fund created
224 pursuant to the State Athletic Activities, Programs, and Office Fund Act of 2013, effective
225 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 38-2671 *et seq.*); and

226 (12) Take actions consistent with the responsibilities outlined in this subsection,
227 DCSAA's mission, and governing laws and regulations.

228 Sec. 109. District of Columbia State Athletic Association, membership.

229 (a) All schools in the DCPS system with an interscholastic athletics program serving
230 grades 9 to 12 shall be members of DCSAA and subject to its membership standards.

231 (b) A public charter, parochial, or private school in the District with an interscholastic
232 athletics program serving grades 9 to 12 that agrees to abide by DCSAA's membership standards
233 and applicable District laws and regulations governing interscholastic athletics programs may
234 become a DCSAA member and shall be subject to its membership standards.

235 (c) The DCSAA shall develop and offer training guidance on District regulations
236 necessary to achieve or maintain membership.

237 Sec. 110. District of Columbia State Athletic Association, coach and event official
238 qualifications.

239 (a) The DCSAA shall administer knowledge examinations for coaches and event officials
240 of each DCSAA-sponsored sport no less than 4 times each year.

241 (b)(1) To qualify as a coach or event official for a DCSAA-sponsored sport, an individual
242 shall have passed a DCSAA-administered knowledge examination for the sport in the last five

243 years or demonstrate knowledge of the sport sufficient for DCSAA to waive the examination
244 requirement.

245 (2) Knowledge exams shall be based on the National Federation of High School
246 sports knowledge exams.

247 (c) The DCSAA shall collect and maintain records related to the certification and
248 qualifications of member schools' coaches and event officials.

249 Sec. 111. District of Columbia State Athletic Association, participant eligibility
250 documentation.

251 (a) The DCSAA shall collect and maintain from member schools:

252 (1) Participant eligibility lists;

253 (2) Waivers of participant eligibility;

254 (3) Member school or LEA decisions on participant eligibility;

255 (4) Documentation of penalties a member school or LEA has imposed for
256 eligibility violations; and

257 (5) Policies on participant eligibility, the eligibility decision-making process, and
258 penalties for eligibility violations.

259 (b) The DCSAA shall issue guidance to member schools on best practices for participant
260 eligibility policies, decision-making, and record-keeping.

261 Sec. 112. District of Columbia State Athletic Association, complaint resolution.

262 (a) The DCSAA shall hear and decide complaints:

263 (i) Related to its membership standards;
264 (ii) Arising under the DCSAA Handbook; and
265 (iii) Related to participant eligibility arising between a DCPS and
266 non-DCPS member school participating in a DCSAA-sanctioned competition or arising between
267 a member school and non-member school participating in a DCSAA-sanctioned competition.

268 (b) The parties to a complaint shall comply with DCSAA requests for information related
269 to the allegations in the complaint.

270 (c) The DCSAA shall issue written findings in support of any decision issued pursuant to
271 this section.

272 (d) Nothing in this section shall be construed as authorizing the DCSAA to hear or
273 decide:

274 (1) Appeals from participant eligibility decisions issued by a member school or
275 LEA; or

276 (2) Complaints wherein the parties have failed to exhaust existing administrative
277 remedies.

278 (e) A party may appeal a DCSAA decision issued under this section to an appeals panel.

279 Sec. 113. Rules governing interscholastic athletics programs.

280 Within 120 days of the effective date of this act, the Mayor, pursuant to Title I of the
281 District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204;
282 D.C. Official Code 2-501 *et. seq.*), shall issue rules, consistent with this act, governing

283 interscholastic athletics programs in the District.

284 TITLE II. CONFORMING AMENDMENTS.

285 Sec. 301. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.
286 Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

287 (a) Paragraph (53) is amended by striking phrase “; and” and inserting a semicolon in its
288 place.

289 (b) Paragraph (54) is amended by striking the period at the end and inserting the phrase “;
290 and” in its place.

291 (c) A new paragraph (55) is added to read as follows:

292 “(55) The District of Columbia State Athletics Commission established pursuant
293 to the District of Columbia State Athletics Commission Establishment and State Athletics
294 Association Reorganization Act of 2016, as approved by the Committee on Education on
295 October 26, 2016 (Committee print of Bill 21-601).”.

296 Sec. 302. Section 406(b) of the District of Columbia Government Comprehensive Merit
297 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
298 604.06(b)), is amended as follows:

299 (a) Paragraph (23) is amended by striking the phrase “; and” at the end and inserting a
300 semicolon in its place.

301 (b) Paragraph (24) is amended by striking the period at the end and inserting the phrase “;
302 and” in its place.

303 (c) A new paragraph (25) is added to read as follows:

304 “(25) For the Director of the District of Columbia State Athletic Association
305 (“DCSAA”), the personnel authority shall be the District of Columbia State Athletics
306 Commission, and for any other employee of the DCSAA, the personnel authority shall be the
307 Director of the DCSAA.”.

308 Sec. 302. The Title IX Athletic Equity Act of 2015, effective October 21, 2015 (D.C.
309 Law 21-0029; D.C. Official Code § 38-841 *et seq.*), is amended as follows:

310 (a) Section 2(7) (D.C. Official Code § 38-841.01(7)) is amended by adding a new
311 paragraph (3A) to read as follows:

312 “(3A) “DCSAA” means the District of Columbia State Athletic Association.”.

313 (b) Section 4 (D.C. Official Code § 38-841.03) is amended as follows:

314 (1) Subsection (c) is amended by striking the phrase “to OSSE” and inserting the
315 phrase “to DCSAA” in its place.

316 (2) Strike the phrase “OSSE-approved” and insert the phrase “DCSAA-approved”
317 in its place wherever it appears.

318 (3) Subsection (d) is amended by striking the acronym “OSSE” both times it
319 appears and inserting the acronym “DCSAA” in its place.

320 (c) Section 6(a) (D.C. Official Code § 38-841.05(a)) is amended by striking the acronym
321 “OSSE” both times it appears and inserting the acronym “DCSAA” in its place.

322 (d) Section 8 (D.C. Official Code § 38-841.07) is amended by striking the acronym
323 “OSSE” both times it appears and inserting the acronym “DCSAA” in its place.

324 Sec. 303. The State Athletic Activities, Programs, and Office Fund Act of 2013, effective
325 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 38-2671 *et seq.*), is amended as
326 follows:

327 (a) Section 4032 (D.C. Official Code § 38-2671) is amended as follows:

328 (1) Subsection (a) is amended to read as follows:

329 “(a) Notwithstanding any other provision of law, the District of Columbia State
330 Athletic Association (“DCSAA”) may enter into written agreements for advertisements and
331 sponsorships for DCSAA-sponsored competition to supplement local funding of the DCSAA.”.

332 (2) Subsection (b) is repealed.

333 (3) Subsection (h) is amended by striking the phrase “The Chief Financial
334 Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant
335 to this section to the credit of OSSE” and inserting the phrase “All cash proceeds received from
336 advertisements and sponsorships pursuant to this section shall be deposited to the credit of
337 DCSAA” in its place.

338 (b) Section 4033 (D.C. Official Code § 38-2672) is amended as follows:

339 (1) Subsection (a) is amended to read as follows:

340 “(a) There is established as a special fund the State Athletic Activities, Programs,
341 and Office Fund (“Fund”), which shall be used solely as provided in subsection (b) of this

342 section, and which shall be administered by the DCSAA.”.

343 (2) Subsection (b)(1) is amended by striking the phrase “Statewide
344 Director of Athletics” and inserting the phrase “Director of the DCSAA” in its place.

345 (3) Subsection (c)(2) is amended by striking the phrase “SAO or DCSAA,
346 or both” and inserting the phrase “the DCSAA” in its place.

347 TITLE IV. FISCAL IMPACT; EFFECTIVE DATE

348 Sec. 401. Applicability.

349 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
350 budget and financial plan.

351 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
352 an approved budget and financial plan, and provide notice to the Budget Director of the Council
353 of the certification.

354 (c)(1) The Budget Director shall cause the notice of the certification to be published in
355 the District of Columbia Register.

356 (2) The date of publication of the notice of the certification shall not affect the
357 applicability of this act.

358 Sec. 402. Fiscal impact statement.

359 The Council adopts the fiscal impact statement in the committee report as the fiscal
360 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
361 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENGROSSED ORIGINAL

362 Sec. 403. Effective date.

363 This act shall take effect following approval by the Mayor (or in the event of veto by the
364 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
365 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
366 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
367 Columbia Register.