

**BOARD OF EDUCATION**

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**NOTICE OF PROPOSED RULEMAKING**

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The Executive Director of the D.C. Board of Education, pursuant to the authority set forth in D.C. Code, 2001 edition, Section 38-101, hereby gives notice of proposed rulemaking action taken by the Board at its April 24, 2006 Board meeting to amend Chapter 1 of the Board Rules, Title 5 of the D.C. Municipal Regulations, regarding By-Laws of the Board of Education. The revision requires 1) the Board to provide an hour of public comments before the call to order before each State Education Agency meeting and 2) Each speaker to be allowed no less than two minutes.

The Board also gives notice of its intent to take final rulemaking action to adopt this proposed rulemaking in not less than thirty (30) days from the publication of this notice in the D.C. Register.

Chapter 1 is amended to read as follows:

**105 MEETINGS OF THE BOARD OF EDUCATION: REGULAR MEETINGS**

105.1 The Board shall hold separate regular and State Education Agency monthly business meetings in the months of September through July of each year to take actions on, respectively, state education policy and local education policy. The Board may coordinate its State Education Agency and regular monthly meetings to be consecutive; provided, however, that these meetings shall not be held concurrently.

105.2 Unless specifically changed by the Board, the regular meetings shall be held on the third Wednesday of each month at a time and place established by the Board

105.3 The State Education Agency meetings will be held monthly on Mondays the same week as the regular Stated Board meeting, except in August during recess.

- a) **The Board of Education will provide a period of one hour, before the Call to Order and Roll Call of the State Education Agency meetings, for public comments.**
- b) **Only two speakers from the same organization will be heard.**
- c) **The President will establish time limits for presentations.**
- d) **Each speaker will be allowed to speak for no less than two minutes**

Written comments on the proposed rulemaking are invited from interested citizens. Comments should be addressed to Mr. Russell A. Smith, Executive Director, D.C. Board of Education, 825 North Capitol Street, N.E., Suite 9108, Washington, D.C. 20002. Copies of this rulemaking are available from the Office of the Board of education by calling (202) 442-4289.

## DISTRICT OF COLUMBIA BOARD OF EDUCATION

## NOTICE OF PROPOSED RULEMAKING

The Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, §§38-101 & 38-102 et seq., hereby gives notice of proposed rulemaking action taken by the Board at its meeting held on April 26, 2006 to amend Chapter 5 of the Board Rules (Title 5 of the D.C. Municipal Regulations).

This amendment, if enacted, will effect the following actions: 1) Eliminate the requirement that the Superintendent of Schools submit any reprogramming of funds in excess of fifty thousand (\$50,000) to the Board of Education and 2) Establish authority for the Superintendent of Schools to approve reprogramming for less than one hundred and fifty thousand dollars (\$150,000).

The Board gives notice of its intent to take final rulemaking action on this proposed rulemaking in not less than thirty (30) days from publication of this notice in the D.C. Register.

**Amend Section 501.12:**

- 501.12 (a) The Superintendent of Schools shall submit to the Board of Education, for review, any reprogramming or freeze of funds equal to or in excess of  ~~fifty thousand (\$ 50,000)~~  **one hundred and fifty thousand dollars (\$150,000)**, cumulative **for any individual reprogramming**, within or across any single object classification. The reprogramming for local school operations shall apply to each  ~~program within each~~  school as a separate fiscal entity.
- (b) **The Superintendent of Schools shall submit to the Board of Education for a review and approval within fourteen (14) days any reprogramming for less than one hundred and fifty thousand dollars (\$150,000), that involves the movement of budget authority between personnel services and non-personnel services cost groupings. The reprogramming shall be deemed approved if the Board of Education fails to take action within fourteen (14) days of receipt of the reprogramming request.**
- (c) **The Superintendent of Schools shall immediately submit a request for approval if the reprogramming is required to ensure that there is no disruption of delivery of services or programs to students as follows:**
- (1) **To the President of the Board of Education, who shall be responsible for updating the Board of Education at the next meeting; or**
  - (2) **In the absence of the President of the Board of Education the Vice President of the Board of Education shall be authorized to**

**approve such requests and update the Board of Education at the next meeting.**

Written comments on the proposed rulemaking are invited from interested citizens. Such comments should be addressed to Mr. Russell Smith, Executive Director, D.C. Board of Education, 825 North Capitol Street, N.E., Washington, D.C. 20002. This rulemaking is available on the District of Columbia Public Schools website at [http://www.k12.dc.us/dcps/boe/boe\\_frame.html](http://www.k12.dc.us/dcps/boe/boe_frame.html). Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.

## DISTRICT OF COLUMBIA BOARD OF EDUCATION

## NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Education ("Board"), pursuant to the authority generally set forth in D.C. Code, 2001 Edition, Section 38-101, and specifically provided in D.C. Code, 2001 Edition, Section 38-102(c) (relating to establishment of guidelines and goals for academic achievement), hereby gives notice of proposed rulemaking action taken by the Board at its meeting held on April 26, 2006, to amend Chapter 22 of the Board Rules, Title 5 of the D.C. Municipal Regulations regarding Grades, Promotion and Graduation.

This amendment, if enacted, will effect the following actions: 1.) Amend the promotion and retention policy to contain standard-based criteria for the promotion of students in grades pre-kindergarten through 12<sup>th</sup> grade; 2.) Establish a criteria to identify students at risk of not meeting or exceeding subject or grade-level standards; and 3.) Raise the graduation requirements to ensure that all students master the core academic subjects.

The Board gives notice of its intent to take final rulemaking action to adopt the proposed rulemaking in not less than thirty (30) days from the publication of this notice in the D.C. Register.

Amend Section 2200.1 and 2200.2 as follows:

**2200 GRADES AND STUDENT PROGRESS REPORTS**

**2200.1** The grading system of the D.C. Public Schools shall be designed to ~~report fairly and accurately student progress and student achievements in relation to placement.~~ **provide clear and consistent criteria for determining promotion and retention of students for appropriate placement.**

**2200.2** **All policies shall be established and implemented by the Superintendent of Schools** ~~The role of the teacher in grading, the content of grade and progress reports, requirements for substantiation of grades, timing of reports and grades, and other requirements and procedures to be followed by teachers and school officials in the grading process shall be established and implemented by the Superintendent of Schools,~~ in accordance with the rules of the Board of Education.

Amend Section 2201.1, 2201.2, 2201.3, 2201.4, 2201.5, 2201.6, 2201.7 & 2201.8 as follows:

**5-2201 PROMOTION**

**2201.1** For the purposes of this section, promotion shall be defined as the advancement of a student from one level to a higher level and the advancement of a student from the elementary program to the secondary program. **vertical movement of students to higher grade levels and /or**

**graduation, where appropriate, in accordance with Board of Education policy.**

**2201.2** ~~All promotions shall be based upon the satisfactory completion of required course work and satisfactory achievement of competency at the required skill level.~~

**(a) Promotion of each student is made on the basis of academic achievement with established learning standards for each grade level and/or documented evidence in meeting or exceeding these standards.**

**(b) Special provisions are made for English Language Learners for promotion and students with disabilities under the Individuals with Disabilities in Education Act (IDEA) who are making substantial progress in meeting their academic goal to meet grade level standards.**

**2201.3** ~~Promotions shall be made by the principal or other person in charge of the school or program upon certification that the student meets all requirements for promotion.~~

**The Principal of each school shall be responsible for the promotion, retention, and/or placement of all students in accordance with the guidelines contained in §§§§ 2201.5; 2201.6; 2201.7 & 2201.8, except for students in special education whose placement must be determined in accordance with the Individuals with Disabilities Act (IDEA).**

**Promotion, retention, and placement of students must be documented along with implemented intervention plans. This documentation should include but not be limited to the following:**

- a. Academic achievement information including performance as specified by grade level learning standards and progress toward meeting objectives set forth in approved IEPs.**
- b. Medical, social, maturational level, and school attendance information.**
- c. Test results including, but not limited to, achievement, psychological, cognitive abilities and teacher-made tests.**

**2201.4** ~~Promotions shall generally be made at the end of each school semester the school year. Special promotions may be made at any time with the written approval of the Assistant Superintendent whose jurisdiction encompasses the student's attending school and the documented assessment conducted and certified by the Chief Academic Officer. written approval of the Assistant Superintendent whose jurisdiction encompasses the school which the student attends~~

**2201.5** ~~A student who fails to meet the requirements for promotion shall be retained at the student's present level.~~

- (a) Students who do not meet the promotion standards will be retained at critical grade level junctures. Critical grade level junctures shall**

include:

- 1.) Elementary grades 3 and 5;
  - 2.) Middle school level grade 8; and
  - 3.) High school level grade 10.
- (b) A student cannot be retained more than once during his enrollment in the District of Columbia Public Schools unless there is a comprehensive review by multiple school personnel and approval from the Assistant Superintendent whose jurisdiction encompasses the school the student attends.
- (c) Principals are responsible for effectively implementing the comprehensive review process as follows:
- 1.) Notifying parents that they should contact the school about concerns related to their child's academic progress.
  - 2.) Notifying parents that a teacher considers a student at-risk of not meeting the subject or grade level standards and referring the student to the Student Support Team for academic review.
  - 3.) Working with parents and students to resolve any problems when a student has been identified as at-risk of not meeting or exceeding subject or grade-level standards.
  - 4.) If the problem persists and the student remains at-risk for retention, additional options will be considered.
  - 5.) Parents will be engaged in the consideration of additional intervention strategies and will be informed, in writing, of any decisions that result.
- (d) Retention will be considered for a student when all other interventions have been unsuccessful and the student has not made sufficient academic progress during the course of a school year.
- (e) Formal, written notices must be sent to parents of students who remain at-risk. Principals have the final authority for all first time promotion/retention decisions.
- (f) During the period from February through June, schools must maintain written records of contacts with parents who were sent formal, written notices, to apprise them of their child's progress.
- (g) Any student who is retained, or remains at-risk even though the

student was promoted, will be provided with additional safety-net supports, including tutoring during the subsequent school year.

- (h) If a student does not meet all requirements for promotion, but moves on to middle or high school because s/he has been previously retained, the principal must submit a brief report to the receiving school. Students in this situation will be enrolled in a transition program in the receiving school.
- (i) Retention decisions will be made only after careful and systematic review of documentation of interventions over time and with teacher recommendations in accordance with Board of Education policy.
- (j) Each school site will be responsible for keeping records to address systematic intervention programs for students.
- (k) Prescribed interventions will be designed to address lack of growth toward the attainment of standards, with documentation starting at kindergarten and reviewed at the critical grade level junctures as described in 2201.5 (a).

**2201.6**

Promotion of students in elementary and middle grades elementary school, grades one and above, shall be as follows:

~~(a) Any student who achieves at the "basic" level in reading and mathematics, as measured by the Stanford 9 exam, shall be automatically eligible for promotion;~~

~~(b) Any student who scores within ninety percent (90%) of the "basic," level on the Stanford 9 exam in reading and mathematics shall be eligible for promotion with classroom evidence documenting "basic" level performance. Examples of classroom evidence include, but are not limited to, performance on criterion-referenced or teacher-made tests, the successful completion of supplemental assignments, or satisfactory grades;~~

~~(c) Any student who scores below "basic" on the Stanford 9 exam in reading and mathematics and does not meet the ninety percent (90%) criteria set out in paragraph (b) of this subsection, but does score within seventy-five percent (75%) of the "basic" level in reading and mathematics on the Stanford 9 exam, shall be eligible for promotion following his or her successful completion of summer school and classroom evidence of "basic" level performance;~~

~~(d) Except as specified in subsection (e) or (f) below, or in accordance with exceptions granted on a case-by-case basis, any student who scores below seventy-five percent (75%) of "basic" in reading and mathematics on the Stanford 9 exam shall be required to attend summer school and shall not be~~

~~eligible for promotion;~~

- (a) **Pre-Kindergarten through second grade shall**
- 1.) **receive a proficient or exemplary mark in reading/language arts;**
  - 2.) **receive a proficient or exemplary mark in mathematics;**
  - 3.) **receive a passing score on DIBELS; and**
  - 4.) **meet the goals of the Individual Education Plan or learning plan where applicable.**
- (b) **Third through fifth grade shall**
- 1.) **receive a proficient or exemplary mark in reading/language arts;**
  - 2.) **receive a proficient or exemplary mark in mathematics;**
  - 3.) **receive a proficient or exemplary mark in science;**
  - 4.) **score proficient or exemplary on the DC CAS; and**
  - 5.) **meet the goals of the Individual Education Plan or learning plan where applicable.**
- (c) **Students who do not meet or exceed grade level standards will be required to attend a summer tutorial or intersession program.**
- (d) **Students who do not meet or exceed grade level standards after participation in required tutorial sessions will be required to participate in an after school tutoring program.**
- (e) ~~Any non- or limited English speaking student or disabled student who is meeting the goals of his or her Individual Education Plan or learning plan shall be eligible for promotion; and~~ **Special provisions can be made for English Language Learners and students with disabilities who demonstrate significant progress towards meeting grade level standards for promotion.**
- (f) ~~Any student who will turn thirteen (13) during the next school year shall be eligible for promotion from elementary school with transitional support provided at the middle school level.~~ **Students who have been retained once at any grade level and are not meeting the requirements for promotion, where appropriate, must be referred to the Student Support Team, where an appropriate plan will be developed or an alternative placement recommended.**

2201.7

Promotion of students in middle school shall be as follows:

- (a) ~~Any student who successfully completes the four (4) major subjects of English, mathematics, science, and social studies shall be eligible for promotion.~~

~~(b) Any eighth (8th) grade student who scores below ninety percent (90%) of the "basic" level in reading and mathematics on the Stanford 9 exam shall be required to attend summer school each year until his or her successful completion of the District Secondary Level Proficiency Exam (DSLPE) or attainment of the "basic" level in reading and mathematics on the Stanford 9;~~

~~(c) Any non- or limited-English speaking student or disabled student who is meeting the goals of his or her Individual Education Plan or learning plan shall be eligible for promotion; and~~

~~(d) Any student who will turn sixteen (16) during the next school year:~~

~~(1) Shall be eligible for promotion from the eighth (8th) grade with transitional support provided at the high school level; and~~

~~(2) Shall be required to attend summer school each year until he or she passes the DSPLE or scores at the "basic" level in reading and mathematics on the Stanford 9 exam.~~

**(a) Students in grades six (6) through eight (8) must complete the following to be eligible for promotion:**

- 1.) three courses in English Language Arts;
- 2.) three courses in mathematics;
- 3.) three courses in science; and
- 4.) three courses in social studies.

**(b) In addition to the requirements in 2201.7 § (a) students in grades six (6) through eight (8) must also:**

- 1.) score proficient or above on the DC CAS;
- 2.) meet the goals of the Individual Education Plan or the learning plan where applicable; and
- 3.) meet the requirements of the system's attendance policy.

**(c) Students who are 16 years of age or who are two or more years older than the average age student in a particular grade level will be placed in an educational setting with age appropriate peers.**

**2201.8** Promotion of students in high school grades nine (9) through eleven (11) shall be as follows:

**(a) Students in ninth (9<sup>th</sup>) grade (lower division) must meet or exceed grade level standards as demonstrated on end-of-course exams to earn one Carnegie Unit requirement for the following courses:**

- 1.) English I

- 2.) Algebra II
- 3.) World History I
- 4.) Science
- 5.) Health/Physical Education

(b) Any student who earns ~~five (5)~~ **six (6)** Carnegie Units, including units in ninth (9<sup>th</sup>) grade English, D.C. history and government, and health and physical education, shall be eligible to be promoted from the ninth (9<sup>th</sup>) to the tenth (10<sup>th</sup>) grade. **In addition to the requirements in §2203.2 (c) students in ninth (9<sup>th</sup>) grade must also meet the goals of the Individual Education Plan or the learning plan, where applicable.**

(c) **Students in tenth (10<sup>th</sup>) grade (lower division) must meet or exceed grade level standards as demonstrated on end-of-course exams to earn one Carnegie Unit for:**

- 1.) English II
- 2.) Geometry or higher level mathematics course
- 3.) World History II
- 4.) Science
- 5.) Health/Physical Education

(d) Any student who earns ~~ten (10)~~ **twelve (12)** Carnegie Units, including tenth (10<sup>th</sup>) grade English, shall be eligible to be promoted from the tenth (10<sup>th</sup>) to the eleventh (11<sup>th</sup>) grade; **In addition to the requirements in §2203.2 (e) students in the tenth (10<sup>th</sup>) grade:**

- (1) **must score proficient or above on the DC CAS;**
- (2) **must earn a Certificate of Initial Mastery to move to the upper division – grades 11 and 12; and**
- (3) **must meet the goals of the Individual Education Plan or the learning plan, where applicable.**

(e) **Students in the eleventh (11<sup>th</sup>) grade (upper division) must meet or exceed grade level standards as demonstrated on end-of-course exams to earn one Carnegie Unit for:**

- (1) English III
- (2) Algebra II or higher level mathematics course
- (3) U.S. History
- (4) Science course

(f) Any student who earns ~~fifteen (15)~~ **eighteen (18)** Carnegie Units, including eleventh (11<sup>th</sup>) grade English, shall be eligible to be promoted from the eleventh (11<sup>th</sup>) to the twelfth (12<sup>th</sup>) grade; **and . In addition to the requirements in §2203.2 (h) students in the eleventh 11<sup>th</sup> grade must meet the goals of the Individual Education Plan or the learning plan where applicable.**

(g) **Students in grade 12 (upper division) must meet or exceed grade level**

standards as demonstrated on end-of-course exams to earn one Carnegie Unit for:

- 1.) English IV
- 2.) Pre-calculus or other mathematics course
- 3.) U. S. Government and D. C. History
- 4.) Science
- 5.) Two (2) to four (4) other courses for a total of six (6) to (8) eight Carnegie Units to graduate

(dh) Any ~~non or limited~~ English Language Learners ~~speaking~~ student or disabled student who is meeting the goals of his or her Individual Education Plan or learning plan is eligible for promotion from one grade to the next.

Delete and Reserve Sections 2201.9 and 2201.10

**2201.9** ~~If the student is retained, despite the intervention measures referenced in Section 2201.8, or if no intervention measures are taken, and the student has not already undergone assessment and evaluation for special education services under the provisions of Chapter 30 of this title, then the student may be referred for assessment and evaluation under Chapter 30.~~  
Reserved.

**2201.10** ~~If the student is retained, despite the intervention measures referenced in § 2201.8, or, if no intervention measures are taken, and the student has not already undergone assessment and evaluation for special education services under the provisions of Chapter 30, then the student shall be referred for assessment and evaluation under Chapter 30.~~  
Reserved.

Amend 2202.1, 2202.6 and 2202.7 as follows:

## 2202. GRADUATION: GENERAL POLICY

**2202.1** Each student, including students receiving special education, who meets the following requirements shall be eligible to receive a high school diploma:

(a) Satisfactory completion of the course work required for the diploma, as set forth in § 2203.2;

~~(b) Beginning in School Year 2002-2003, achievement of the "basic" level or higher in reading mathematics on the eleventh (11th) grade Stanford 9 exam or passage of the District Secondary Level Proficiency Exam (DSLPE); and~~

(e b) Enrollment and regular attendance in the D.C. Public Schools for a minimum of eight (8) consecutive months prior to graduation.

**2202.6** If a student does not meet the requirements set forth in § 2202.1(e a), the procedures in § 2202.7 through § 2202.9 shall apply.

**2202.7** If the prior academic record of the student and the course work and skill level achievement of the student during enrollment in the D.C. Public Schools are satisfactory, the student may be granted an exemption from the requirement of § 2202.1(e) (a) and (b), by the Assistant Superintendent whose jurisdiction encompasses the school which the student attends, the principal or other person in charge of the school or program in which the student is enrolled.

Amend 2203 as follows:

### **5-2203. GRADUATION: ACADEMIC REQUIREMENTS**

**2203.1** The following course work shall be required in order to be certified as eligible to receive the high school diploma:

- (a) A total of ~~twenty-three and one-half (23 1/2)~~ **twenty-six (26)** Carnegie units shall have been satisfactorily completed;
- (b) The following Carnegie units in the corresponding subjects shall be required:

Art	0.5 units;
Career/Vocational Education	1 unit;
D.C. History-Government	0.5 units;
Electives	4.5 units;
English	4 units;
Foreign Languages	2 units;
Health & Physical Education	1.5 units;
Music	0.5 units;

Science (including one year  
of lab science) 3 units;

U.S. History 1 unit;

U.S. Government 0.5 units;

World History 1 unit; and

World Geography 0.5 units;

~~(c) One and one-half (1 1/2) Carnegie units in health and physical education shall not be required for the evening program high school diploma;~~

~~(d) One hundred (100) hours of community service shall be required for graduation; and~~

~~(e) The Mathematics requirement for graduation is three (3) Carnegie units. For School Years 2003-2004, 2004-2005, 2005-2006, and 2006-2007 completion of Elementary Algebra or its equivalent as a portion of the Mathematic requirement is mandatory. For School Years 2007-2008 and subsequent years, the Mathematics requirement for graduation shall include the requirement to complete one Carnegie unit of Algebra 1 and/or higher level courses as part of the three Carnegie units required for graduation. All students graduating by the end of the 2007-2008 School Year will be required to Complete Algebra 1 and must enroll in the course no later than grade 9.~~

COURSES	UNITS
English	4.0
Mathematics	4.0
Science	4.0
Social Studies	4.0

Art	0.5
College and Career Preparation	2.0
Senior Composition/Project	0.5
Electives	2.5
Music	0.5
Physical Education/Health	2.0
World Language	2.0

- (c) One hundred (100) hours of community service shall be required for graduation.
- (d) Special programs may require additional coursework for graduation.
- (e) Students must formally present their senior project.
- (f) A Certificate of Attainment or Certificate of Individualized Education will be awarded to special education students whose disability affects their ability to complete any of the course requirements for a standard diploma.
- (g) All students who enroll from another state must meet the graduation requirements for the graduating class they enter and the state assessment requirements, regardless of the changes in requirements affecting subsequent classes.

2203.2 The requirements for completing the volunteer community service unit shall be established by the Superintendent.

(a) Students who enrolled in 9th grade school year 2006-07 and thereafter may complete high school over a three, four, or five year period, depending upon the time and support they need to complete graduation requirements.

- 1.) An academically advanced student who has met all requirements and cannot benefit significantly from a school's course offerings or from dual enrollment in an area college, may complete high school in as few as three years.
- 2.) A student who needs additional time to get in depth understanding of the learning standards may choose to complete high school in five years.

(b). Students shall be considered eligible for graduation upon completion of the requirements of § 2201.8 (g) as well as the requirements of § 2203.1 (a) & (b).

2203.3 The Superintendent of Schools may establish special courses of study which lead to the high school diploma (such as academic, performing arts, science and mathematics, career or vocational education, or other areas of

concentration). **The requirements for completing the volunteer community service unit shall be established by the Superintendent.**

2203.4 ~~Electives taken to fulfill the requirements of this section shall be required to be taken in courses established by the Superintendent for each area of concentration in order to receive certification in the area of concentration.~~ **The Superintendent of Schools may establish special courses of study which lead to the high school diploma (such as academic, performing arts, science and mathematics, career or vocational education, or other areas of concentration).**

2203.5 ~~Each student who satisfactorily completes the requirements for a special course of study shall receive appropriate recognition on the student's diploma.~~ **Electives taken to fulfill the requirements of this section shall be required to be taken in courses established by the Superintendent for each area of concentration in order to receive certification in the area of concentration.**

2203.6 ~~A special education student who does not achieve a diploma, as set forth in § 2202 and this section, shall be eligible to receive one (1) of the following upon completion of, termination, or exit from his or her individualized special education program:~~

~~(a) Each student enrolled in a program of special education who has worked toward completion of the graduation requirements but has not, by age twenty-two (22), completed all of the course requirements of § 2203.1, shall receive a Certificate of Attainment indicating courses/subject matter completed;~~

~~(b) Each student enrolled in a program of special education whose handicapping condition alone precludes the completion of any of the course requirements of § 2203.1 and whose handicapping condition alone makes it unreasonable to pursue a diploma, shall be eligible to receive a Certificate of Individualized Education Program;~~

~~(c) The decision to pursue a program leading to a Certificate of Individualized Education Program shall be made jointly by the school, parent(s) and, where appropriate, the student. The decision can be made at any time prior to but not later than the student's fifteenth (15th) birthday and shall be attached in writing to the student's Individualized Education Program (IEP). The decision shall be reviewed and, where appropriate, modified at the annual IEP meeting; and~~

~~(d) The procedures set forth in §§ 2202.2 and 2202.3 shall be appropriately followed for certifying and issuing the Certificate of Attainment and the Certificate of Individualized Education Program.~~

**Each student who satisfactorily completes the requirements for a**

special course of study shall receive appropriate recognition on the student's diploma.

**Add 2203.7**

**2203.7** A special education student who does not achieve a diploma, as set forth in § 2202 and this section, shall be eligible to receive one (1) of the following upon completion of, termination, or exit from his or her individualized special education program:

(a) Each student enrolled in a program of special education who has worked toward completion of the graduation requirements but has not, by age twenty-two (22), completed all of the course requirements of § 2203.1, shall receive a Certificate of Attainment indicating courses/subject matter completed;

(b) Each student enrolled in a program of special education whose handicapping condition alone precludes the completion of any of the course requirements of § 2203.1 and whose handicapping condition alone makes it unreasonable to pursue a diploma, shall be eligible to receive a Certificate of Individualized Education Program,

(c) The decision to pursue a program leading to a Certificate of Individualized Education Program shall be made jointly by the school, parent(s) and, where appropriate, the student. The decision can be made at any time prior to but not later than the student's fifteenth (15th) birthday and shall be attached in writing to the student's Individualized Education Program (IEP). The decision shall be reviewed and, where appropriate, modified at the annual IEP meeting; and

(d) The procedures set forth in §§ 2202.2 and 2202.3 shall be appropriately followed for certifying and issuing the Certificate of Attainment and the Certificate of Individualized Education Program.

Written comments on the proposed rulemaking are invited from interested citizens. Such comments should be addressed to Mr. Russell Smith, Executive Director, D.C. Board of Education, 825 North Capitol Street, N.E., Washington, D.C. 20002. This rulemaking is available on the District of Columbia Public Schools website at [http://www.k12.dc.us/dcps/boe/boe\\_frame.html](http://www.k12.dc.us/dcps/boe/boe_frame.html). Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.

## DISTRICT OF COLUMBIA BOARD OF EDUCATION

## NOTICE OF PROPOSED RULEMAKING

The District of Columbia Board of Education ("Board"), pursuant to the authority generally set forth in D.C. Code, 2001 Edition, Section 38-101, and specifically provided in D.C. Code, 2001 Edition, Section 38-102(c) (relating to establishment of guidelines and goals for academic achievement), hereby gives notice of proposed rulemaking action taken by the Board at its meeting held on April 24, 2006, to amend Chapter 38 of the Board Rules, Title 5 of the D.C. Municipal Regulations regarding State Education Agency Functions of the Board of Education.

This amendment, if enacted, will effect the following actions: establish District-wide standards for knowledge and achievement in social studies for all students in grades pre-kindergarten through 12 that attend public school in the District of Columbia, including public charter schools.

The Board also gives notice of its intent to take final rulemaking action to adopt the proposed rulemaking in not less than thirty (30) days from the publication of this notice in the D.C. Register.

Add Section 3814:

**3814 DISTRICT OF COLUMBIA STANDARDS FOR  
ACHIEVEMENT IN SOCIAL STUDIES**

**3814.1 The "District of Columbia Social Studies Pre-K through Grade 12 Standards" are adopted for use by all public schools in the District of Columbia. The Standards shall be made available to the public:**

- (a) Upon request to the District of Columbia Public Schools Office of Academic Services;**
- (b) Through the distribution of copies to each DC public school facility;**
- and**
- (c) By posting of the Standards on the District of Columbia Public Schools web page, [www.k12.dc.us](http://www.k12.dc.us).**

**3814.2 The State Education Officer shall develop appropriate directives to execute his responsibilities under this section.**

Written comments on the emergency and proposed rulemaking are invited from interested citizens. Such comments should be addressed to Mr. Russell Smith, Executive Director, D.C. Board of Education, 825 North Capitol Street, N.E., Washington, D.C. 20002. This rulemaking is available on the District of Columbia Public Schools website at [http://www.k12.dc.us/dcps/boe/boe\\_frame.html](http://www.k12.dc.us/dcps/boe/boe_frame.html). Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to section 104 (a)(1) of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985, D.C. Law 6-42; D.C. Official Code § 2-1801.04 (a)(1) (2001)), and as authorized in sections 9 and 10 of the Vector-Borne Infectious Diseases Control Act of 2004, effective May 18, 2004, D.C. Law 15-163, D.C. Official Code §§ 8-2131.08 and 8-2131.09 (2001); and Mayor's Order 2005-145, (September 30, 2005), hereby gives notice of his intent to adopt amendments to section 3630 of Title 16 of the *District of Columbia Municipal Regulations* (civil infraction fines for violations of the Act) and to move the existing regulations for rodent control infractions in section 3630 to a new section 3631. Final rulemaking action will be taken in not less than sixty (60) days from the date of publication of this notice in the *D.C. Register*.

The proposed amendments would establish fines for violations of the Vector-Borne Infectious Diseases Control Act of 2004, reorganize section 3630, and place rodent control fines in section 3631. The proposed amendments will not become effective until approved by the Council of the District of Columbia, or sixty (60) days after submission of these proposed rules to the Council, if the Council has not disapproved these rules.

The Director proposes the following amendments to the schedule of fines for civil infractions.

**Sections 3630 and 3631 of Title 16 of the District of Columbia Municipal Regulations are amended to read as follows:**

**3630 VECTOR-BORNE DISEASE CONTROL AND ANIMAL DISEASE PREVENTION INFRACTIONS**

3630.1 Violation of any of the following shall be a Class 1 infraction:

- (a) Section 3(a)(1) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(1)) (causing or allowing the open dumping of any tire);
- (b) Section 3(a)(2) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(2)) (causing or allowing the open burning of any tire);
- (c) Section 3(a)(4) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(4)) (causing or allowing a tire to be used in playground equipment unless the tire is altered to prevent the tire from accumulating water); or

- (c) Section 6(b) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.05(b) (failure to abate a public health nuisance within the time specified in an order issued under section 6(a) of the Act, D.C. Official Code § 8-2131.05(a)).

3630.2 Violation of Section 3(a)(3) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(a)(3)) (causing or allowing the storage of any tire unless the owner or operator of the property where the tire is stored takes measures to prevent the tire from accumulating water by covering or altering the tire) shall be a Class 2 infraction.

3630.3 Violation of Section 3(b)(1) of the Vector-Borne Infectious Diseases Control Act of 2004 (D.C. Official Code § 8-2131.02(b)(1) (failure to take preventive measures to prevent the breeding or harborage of vectors in water bearing containers, standing water, swimming pools and open waters used for bathing or swimming as specified in § 8-2131.02(b)(1) through (b)(4)) shall be a Class 3 infraction.

### 3631 RODENT CONTROL INFRACTIONS

3631.1 Violation of any of the following shall be a Class 3 infraction:

- (a) 22 DCMR § 107.1(a) (failure to comply with an order to provide vent stoppage of any rat-infested building or other structure or part thereof);
- (b) 22 DCMR § 107.1(b) (failure to comply with an order to remove trash or refuse from the premises which may provide rat harborage);
- (c) 22 DCMR § 107.1(c) (failure to comply with an order to protect food and garbage from rats);
- (d) Section 908(c) of the Rodent Control Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 8-2103.05(c)) (failure to comply with an order to remove debris from public or private property);
- (e) 22 DCMR § 107.4 (refusing to permit or interfering with inspections to determine the prevalence of rats);
- (f) Section 908(b) of the Rodent Control Act of 2000 (D.C. Official Code § 8-2103.05(b)) (failure of an owner to comply with an order to take appropriate abatement measures if signs of past rodent harborage are found upon transfer or change of occupancy of real property);

- (g) Section 908(c) of the Rodent Control Act of 2000 (D.C. Official Code § 8-2103.05 (c)) (failure to use a licensed and certified pest controller to abate existing rodent populations due to the accumulation of debris on public or private property);
- (h) Section 908(c) of the Rodent Control Act of 2000(D.C. Official Code § 8-2103.05 (c)) (failure to use a licensed and certified pest controller to abate existing rodent populations found upon transfer or change of occupancy of real property);
- (i) 21 DCMR § 707.9 (failure to properly store grease held for recycling or disposal);
- (j) 21 DCMR § 707.11 (failure to keep waste container lids closed at all times other than when the container is being filled or emptied); or
- (k) 22 DCMR § 107.1(d) (failure to comply with an order to exterminate rats on the premises of buildings or other structures.

3631.2 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) Section 908(c) of the Rodent Control Act of 2000 (D.C Official Code § 8-2103.05 (c)) (failure to comply with an order to keep grass or weeds cut to a height of less than eight (8) inches); or
- (b) 21 DCMR § 707.10 (failure to keep commercial trash compactor free of spilled waste).

3631.3 Violation of 21 DCMR § 707.12 (failure to store pet food or bird seed in a rodent-proof container or remove uneaten food or feed remaining on the ground after birds and pets have been fed) shall be a Class 5 infraction.

Persons wishing to comment on the proposed rules may submit written comments no later than sixty (60) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel at 51 N Street, N.E., Room 6036, Washington, D.C. 20002. Copies of the proposed rules may be obtained from 8:15 a.m. to 4:45 p.m., Monday through Friday, excluding holidays, from the Department of Health, Office of the General Counsel at 51 N Street, N.E., Room 6036, Washington, D.C. 20002. Copies are available for a small fee to cover the cost of copying.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED RULEMAKING

The Director of the District Department of Transportation, pursuant to the authority of Sections 3(b), 5(3)(D)(iii) and 6(c) of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(3)(D)(iii) and 50-921.05(c)); and Mayor's Order 2006-22 (February 27, 2006), hereby gives notice of the intent to amend Chapter 12, "Bicycles, Motorized Bicycles, and Miscellaneous Vehicles," Chapter 24, "Stopping, Standing, Parking, and Other Non-Moving Violations," and Chapter 26, "Civil Fines for Moving and Non-Moving Infractions," of the Vehicles and Traffic Regulations (18 DCMR). The proposed amendments will update bicycle safety equipment guidelines in § 1204; eliminate the approval and sale of bicycle safety equipment in § 1205; repeal the provision requiring an application for a bicycle rack permit be signed by the owner of the abutting property and filed with the Mayor in §1208; clarify the legal locations to park a bicycle in § 1209; and set forth a process for removing abandoned bicycles from the public space in § 1210. The proposed amendment to Chapter 24 will prohibit vehicles from stopping, standing or parking in a bicycle lane, and the amendments to Chapter 26 will increase the civil fines for bicycle infractions that do not involve bicycle registration to twenty-five dollars (\$25.00).

This notice supersedes the previous Notice of Proposed Rulemaking published at 52 DCR 2811 (March 18, 2005). Final rulemaking action to adopt these amendments shall be taken in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 18 DCMR, Chapter 12, **BICYCLES, MOTORIZED BICYCLES, AND MISCELLANEOUS VEHICLES**, is amended to read as follows:

A. Subsections 1204.1 through 1204.4 are amended to read as follows:

- 1204.1 Each bicycle shall be equipped with a brake which enables the operator to cause the braked wheels to skid on dry, level, clean pavement; provided, that a fixed gear bicycle is not required to have a separate brake, but an operator of a fixed gear bicycle shall be able to stop the bicycle using the pedals.
- 1204.2 Each bicycle, when in use at night, shall be equipped with a lamp on the front which shall emit a steady or flashing white light visible from a distance of at least five hundred feet (500 ft.) to the front and with a red reflector on the rear which shall be visible from all distances from fifty feet (50 ft.) to three hundred feet (300 ft.) to the rear when directly in front of upper beams of head lamps on a motor vehicle.
- 1204.3 A lamp emitting a steady or flashing red light visible from a distance of five hundred feet (500 ft.) to the rear may be used in lieu of the red reflector.
- 1204.4 In place of the requirements of §1204.2, a lamp may be worn on the body of an operator; provided, that it may be readily seen from the distances set forth in that subsection.

B. Section 1205, **APPROVAL AND SALE OF BICYCLE SAFETY EQUIPMENT**, is deleted in its entirety.

C. Subsection 1208.2 is repealed.

D. Subsection 1209.6 is amended to read as follows:

1209.6 Except as provided in this chapter, no person shall park a bicycle:

- (a) Upon a highway other than the roadway against the curb; or
- (b) Upon a sidewalk; except in a rack to support the bicycle, against a building, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

E. Section 1210 is amended to read as follows:

**1210 REMOVAL OF BICYCLES FROM PUBLIC SPACE**

1210.1 Any bicycle left unused in public space for more than thirty (30) days shall be considered abandoned. The District Department of Transportation (DDOT) may remove an abandoned bicycle after notice has been placed on the bicycle for a period of at least ten (10) days. DDOT shall attempt to identify and contact the owner of a registered bicycle prior to removing it from public space.

1210.2 Bicycles removed from public space that are in working order may be auctioned off to the highest bidder or given free-of-charge to minors as part of a bicycle recreation, safety, or responsibility program. Bicycles that are not in working order may be disposed of as solid waste.

F. Subsections 1210.3 and 1210.4 are repealed.

Title 18 DCMR, Chapter 24, Section 2405, **STOPPING, STANDING, OR PARKING PROHIBITED: NO SIGN REQUIRED**, is amended to read as follows:

A. Subsection 2405.1 is amended to read as follows:

2405.1 No person shall stop, stand, or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic, in compliance with law, or at the direction of a police officer or traffic control device:

- (a) Within an intersection;
- (b) On a crosswalk;
- (c) Alongside or opposite any street excavation or obstruction when stopping,

standing or parking would obstruct traffic;

- (d) Upon any bridge, viaduct, or other elevated structure, freeway, highway tunnel, or ramps leading to and from such structures, or within a highway tunnel;
- (e) On any median, channelizing island, or safety zone, whether made of concrete, grass, or other material and with curbs or otherwise delineated by solid yellow or white lines;
- (f) In any driveway, alley entrance, or other way when stopping, standing or parking would obstruct the flow of pedestrian or other lawful traffic upon any sidewalk; and
- (g) In a bicycle lane.

Title 18 DCMR, Chapter 26, Section 2602, **BICYCLE INFRACTIONS**, is amended to read as follows:

2602.1 The following civil infractions and their respective fines set forth in this section refer to bicycles and the operation of bicycles. The fine for any bicycle violation not listed in this section is twenty-five dollars (\$25.00).

<u>INFRACTION (DCMR Citation)</u>	<u>FINE</u>
Carrying objects which prevent operator from keeping one hand on handle bars (§1201.6)	\$25.00
Excessive number of riders (§1201.5)	\$25.00
Failure to register bicycle (§1202.1)	\$5.00
Furnishing false information (§1202.8)	\$5.00
Hazardous driving (§1201.2)	\$25.00
Hitching on vehicle (§1201.16)	\$25.00
Impeding or obstructing traffic (§1201.3)	\$25.00
Improper equipment (§1204)	\$25.00
Improper Securing of Bicycle (§1209)	\$25.00
Mounting rack violation (§1206)	\$25.00
Not riding on seat (§1201.4)	\$25.00

Operating an unregistered bicycle (§1201.2)	\$5.00
Removing registration plate or number (§1202.1)	\$5.00
Renting an unregistered bicycle (§1207.7)	\$5.00
Riding on sidewalk where not permitted (§1201.9)	\$25.00
Riding abreast, obstructing traffic (§1201.7)	\$25.00
Right-of-way, failure to yield (§1201.10ff)	\$25.00
Sounding of warning device (§§1201.14; 1204.7)	\$25.00
Speed, excessive (§1201.8)	\$25.00
Traffic control device, disobeying (§1201.15)	\$25.00

All persons interested in commenting on the subject matter of this proposed rulemaking action may file comments, in writing, with: Jim Sebastian, District Department of Transportation, Transportation Policy and Planning Administration, 2000 14th Street, NW, 7th Floor, Washington, D.C. 20009. Comments must be received no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Copies of this proposal may be obtained, at cost, by writing to the above address.