

DISTRICT OF COLUMBIA BOARD OF EDUCATION

NOTICE OF EMERGENCY AND 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 July 19, 2006, to amend Chapter 21 of the Board Rules (Title 5 of the D.C. Municipal Regulations).

This amendment, if enacted, will effect the following actions: 1) Clarify early dismissals and Half-Day Schedules; 2) Clarify the grades secondary students will receive for certain unexcused absences; 3) Establish the number of unexcused absences that will cause elementary and secondary students not to be promoted; and 4) Establish that certain unexcused absences shall be referred to the Student Support Teams, the Child and Family Services Agency, Office of the Attorney General or D.C. Superior Court for suspected educational neglect.

The emergency is necessitated by the need to preserve the public welfare: In order to accurately provide necessary and timely notice to parents regarding attendance requirements and truancy, Chapter 21 of D.C. Municipal Regulations must be amended prior to the opening of schools in August, 2006.

The emergency rulemaking took effect following approval by the Board at its meeting of July 19, 2006. It shall expire within 120 days of July 19, 2006 or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first. The Board also gives notice of its intent to take final rulemaking action to adopt this emergency and proposed rulemaking in not less than thirty (30) days from the publication of this notice in the D.C. Register.

Amend Section 2103 as follows:

2103.4 **Elementary and Secondary students attending D.C. Public Schools shall remain in school until the official close of the school day. The end of the school day is 3:15 p.m. D.C. Public Schools will not recognize early dismissal of students prior to 3:15 p.m. unless such dismissal is related to a lawful reason for absence.**

2103.5 **Half-day schedules for students attending D.C. Public Schools are restricted to the following:**

a) employed students aged 17 or older whose hours of employment fall within the regular school day; or

b) secondary students attending one of the local colleges or universities.

The student's employment and work hours or college schedule must be verified by the local school. Students who are not employed or attending one of the local colleges or universities will have a full schedule as will those whose employment begins after regular school hours.

- 2103.6 Elementary and Secondary students attending D.C. Public Schools with five or more unexcused absences will be referred to the Student Support Teams (SST). The Student Support Teams located in each local school shall be available to address and review attendance issues. The Student Support Team's duties shall include but not be limited to reviewing academic and attendance concerns, developing attendance intervention strategies and identifying local school and community resources to abate truancy and improve school attendance.
- 2103.47 D.C. Public School secondary students with five (5) or more unexcused absences in any class during a single advisory shall result in receive a grade reduction in that subject.
- 2103.58 D.C. Public School secondary students with ten (10) or more unexcused absences in any class during a single advisory shall result in receiving a grade of "Fa A" (failure due to absences) in that subject.
- 2103.69 A D.C. Public School elementary students accumulating forty thirty (40 30) or more unexcused absences within a full school year shall not be promoted.
- 2103.710 A D.C. Public School secondary students accumulating forty thirty (4030) or more unexcused absences in a course within a full school year shall receive a failing final grade in that course with a resulting loss of course credit.
- 2103.11 Elementary and Secondary students attending D.C. Public Schools with ten (10) or more unexcused absences will be referred to the Child and Family Services Agency (CFSA) for suspected educational neglect.
- 2103.12 Elementary and Secondary students attending D.C. Public Schools who have demonstrated a pattern of unexcused absences, in excess of fifteen (15) days, unabated by local school intervention, shall be referred to the Office of the Attorney General and or the Family Branch, Social Services Division, D.C. Superior Court.

- 2103.813 A written appeal may be filed by a parent or student on behalf of any student receiving a reduced or a failing grade(s) due to unexcused absences.
- 2103.914 An appeal filed pursuant to § 2103.810 shall be submitted to the principal of the school involved within ten (10) business days after receipt of the failing grade(s).
- 2103.1015 Upon receipt of an appeal, filed pursuant to § 2103.813, the principal shall appoint an Appeals Panel and shall forward all written appeal requests to the panel chairperson within three (3) business days.
- 2103.1116 The Appeals Panel referenced in § 2103.105 shall consist of not less than three (3) members to be selected from the following:
- (a) The principal's designee, who shall be the panel chairperson;
 - (b) A guidance counselor;
 - (c) A department chairperson;
 - (d) A teacher, other than the one involved;
 - (e) An attendance staff person;
 - (f) A student body representative; or
 - (g) A parent organization representative.
- 2103.1217 Appropriate substitutions in the Appeals Panel described in § 2103.116 may be made when necessary; provided, that a student body representative shall be on each Appeal Panel.
- 2103.1318 The Appeals Panel shall hold a hearing within ten (10) calendar days after its appointment by the principal.
- 2103.1419 The student or his or her parent, guardian or duly authorized representative shall appear at the hearing. One of these individuals shall be given the opportunity to present the student's case and, upon request, to question the involved teacher and to be duly informed of the panel's recommendations.

- 2103.1520 Each appeals panelist, including the chair, shall have an equal vote.
- 2103.1621 In the case of a tie vote, the Appeals Panel shall recommend that the initial grade be upheld.
- 2103.1722 The Appeals Panel's recommendation shall be forwarded immediately to the principal who shall issue the Panel's decision within ten (10) calendar days after the hearing.
- 2103.1823 The student or his or her parent or guardian may appeal the decision of the Appeals Panel by writing to the D.C. Public Schools Student Hearing Office within ten (10) calendar days after receipt of the decision.
- 2103.1924 When an appeal is filed pursuant to § 2103.1823, the Student Hearing Office shall convene a hearing before an independent hearing officer who shall issue the final administrative decision in the matter.
- 2103.2025 The following procedural guidelines shall apply to hearings convened pursuant to § 2103.1924:
- (a) The burden to show why the grade(s) in question should be changed shall be on the student or his or her parent or guardian;
 - (b) Strict rules of evidence shall not apply;
 - (c) Testimony or evidence shall be heard from both parties; and
 - (d) A written determination shall be issued within five (5) business days of the hearing.

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. Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

DOCKET NO. 06-37-TS

The Acting Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 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, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following emergency rulemaking which amends Chapter 40 of the Vehicles and Traffic Regulations (18 DCMR) to establish a one-way traffic operation pattern on "T Street, N.E., from Lincoln Road to a point approximately 40 feet east of Lincoln Road, for eastbound traffic only, 7:00 to 9:00 a.m. and 2:00 to 5:00 pm, Monday through Friday" ; "T Street, N.E., at Summit Place, for westbound traffic only, 7:00 am to 9:00 am and 2:00 pm to 5:00 pm, Monday through Friday".

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is necessary to the 100 block of T Street has an east and westbound two-way traffic pattern. The T Street Traffic Calming Study reveals that there is excessive speeding, this is an unsafe condition for all pedestrian activity and the students, at Hyde Leadership Public Charter School and McKinley Tech. To improve pedestrian safety, we recommended that a one-way traffic operation pattern be created for T Street, N.E., from Lincoln Road to Summit Place for eastbound traffic, 7:00 to 9:00 am and 2:00 to 5:00 pm, Monday through Friday school days. We also, recommend a do not enter sign for T Street, N.E., and Summit Place intersection for westbound traffic, 7:00 am to 9:00 am and 2:00 pm to 5:00 pm, Monday through Friday" school days. In addition, the modifications to the traffic and/or parking regulation are consistent with the resolution of ANC5C supporting the recommendations of the T Street Traffic Calming Study.

Therefore, DDOT will convert this 100 block of T Street, N.E. to Summit Place, to one-way eastbound operation, consistent with the finding noted above and the recommendations of the T Street Calming Study. This change can be made with no adverse effect on overall traffic circulation and with a minimum of inconvenience to area residents.

This emergency action was taken to provide for the immediate preservation of the public health, safety and welfare. The emergency rulemaking was adopted on _____ and became effective immediately upon that date.

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