

BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

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 September 21, 2005 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 revisions require 1) the President to prepare a consent agenda for each State Education Agency and regular meeting, 2) the State Education Agency meetings be held on the Monday before the regular meeting, 3) the Board provide a hour of public comments before the call to order before each regular meeting, 4) the Board define the time limits for debate and discussion, and 6) the Board to adhere to a Code of Ethics.

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:

100 COMPOSITION AND AUTHORITY

100.1 The composition of the Board of Education of the District of Columbia, the manner in which members are elected, qualifications for holding the office of member of the Board of Education, and the term of office of members of the Board are established and set forth in the Code of Laws of the District of Columbia.

100.2 The authority and jurisdiction of the Board of Education are set forth in the Charter of the District of Columbia, and in the Code of Laws of the District of Columbia.

100.3 The Board of Education shall exercise its authority through the official acts of its members taken while the Board is in session, and when a quorum of the Board is present.

100.4 The official acts of the Board of Education shall be recorded in the journal of proceedings of the Board which shall be certified and maintained by the Executive Secretary.

100.5 The Board of Education shall not be bound in any way by any action or statement of an individual member or group of members of the Board, except when that action or statement is authorized by an official act of the Board or the provisions of this

chapter.

100.6 The Board of Education is an independent agency of the government of the District of Columbia that is vested with control of the public schools of the District.

100.7 The head of the agency consists of a nine (9) member Board that includes elected and appointed officials.

100.8 The chief administrative officer of the Board of Education is the Superintendent of Schools.

101 OFFICERS OF THE BOARD

101.1 The Board of Education is headed by a President, elected at large by the voters of the District of Columbia. The Board shall annually elect from among its members a Vice President, Secretary and Treasurer, who shall serve until their successors are elected in accordance with this section.

101.2 The annual election of the Vice President, Secretary and Treasurer of the Board shall be the first order of business on the agenda at the first regular or special meeting held after members are elected in a general election in accordance with D.C. Official Code §§ 1-204.95 and 38-101 (2001) or at the first meeting following the regular meeting in December in a year when no positions on the Board are filled in the general election or by Mayoral appointment.

101.3 The Vice President, Secretary and Treasurer shall be elected by a majority vote of the full Board of Education.

101.4 The meeting during which the annual election of the Vice President, Secretary and Treasurer occurs shall be called to order by the President.

101.5 Nominations for the offices of Vice President, Secretary and Treasurer may be made by any member of the Board of Education. No second shall be required for nomination.

102 VACANCIES IN THE OFFICE OF PRESIDENT OR VICE PRESIDENT

102.1 Whenever a vacancy occurs in the office of the President of the Board of Education, the Board of Education shall select one of the members of the Board to serve as the interim President until the election of a new President.

102.2 Whenever an officer is selected for the office of President, or when an office becomes vacant for any other reason, the Board shall hold a special election to fill the resulting vacant office.

102.3 The special election under § 102.2 shall be held at the next regular meeting of

the Board or at a special meeting of the Board held prior to the next regular meeting, which is called for the purpose of holding that special election.

102.4 A vacant office shall be filled by a majority vote of the full Board.

102.5 The Board member elected to fill the vacant office shall serve until the next annual election of officers.

103 VACANCIES IN THE OFFICE OF MEMBER OF THE BOARD

103.1 Whenever a vacancy occurs in the office of member of the Board of Education, that vacancy shall be filled in accordance with the laws of the District of Columbia.

103.2 Whenever the laws of the District of Columbia require that the Board of Education fill a vacancy in the office of an elected member of the Board of Education by appointment, the Board shall make the appointment in accordance with the procedures set forth in this section.

103.3 Whenever the Board of Education determines that a vacancy exists in the office of a member of the Board, it shall issue an official public announcement of the vacancy.

103.4 The Executive Secretary shall notify the Board of Elections when it determines that a vacancy exists.

103.5 The official public announcement of the vacancy shall be published in the D.C. Register, and shall be communicated to the press and media.

103.6 Notice of a vacancy to be filled by appointment shall also be sent to the affected organized citizen groups which are on the mailing list of the Board of Education.

103.7 Whenever the laws of the District of Columbia require that the Board of Education fill a vacancy by appointment, the official public announcement shall do the following:

- (a) Indicate that the vacancy will be filled by appointment;
- (b) Set forth the necessary qualifications for the office; and
- (c) Specify the appointment procedures provided in this section.

103.8 To be qualified for appointment to fill a vacancy, a person shall have the same qualifications for holding the office as were required by law of his or her immediate predecessor.

103.9 The Board of Education shall appoint a qualified individual to the vacant office at a regular meeting of the Board or at a special meeting of the Board called for that

purpose only.

103.10 Appointment to fill a vacancy in the office of an elected member of the Board of Education shall be by a majority vote of the remaining membership of the Board, upon nomination by a member. The voting shall take place in open session, with each member casting a vote for no more than one nominee on each ballot.

103.11 If a majority of the remaining membership of the full Board cannot agree upon the appointment of one of the nominees on the first ballot, voting shall continue on subsequent ballots until a nominee receives a majority vote.

103.12 The Board may recess or adjourn and reconvene at a later time to continue the balloting.

103.13 A person appointed to fill a vacancy in the office of an elected member of the Board of Education shall serve until 12:00 noon on the thirtieth (30th) day after the Board of Elections has certified a successor elected to that office under the laws of the District of Columbia.

103.14 Whenever a vacancy occurs in an office of a member appointed by the Mayor, the vacancy shall be filled in accordance with D.C. Official Code §§ 1-204.95 and 38-101 (2001).

104 DUTIES OF THE OFFICERS OF THE BOARD

104.1 The President shall preside at the meetings of the Board of Education and the Committee of the Whole. The President may participate in the discussions on matters before the Board, and vote on any action taken by the Board at all monthly meetings, special or emergency meetings, and meetings of the Committee of the Whole.

104.2 The President shall appoint the chairperson and membership of all standing committees and ad hoc committees established by the Board. The President may for good cause remove a committee chairperson or member unless overridden by a two-thirds ($2/3$) majority vote of the Board at the next regular meeting of the Board.

104.3 Whenever a committee vacancy occurs, the President shall promptly appoint a new committee member. In making the appointment, the President shall give special consideration to newly elected Board members.

104.4 The President shall not serve as chairperson of any committee except the Committee of the Whole, but shall be a member *ex officio* with the right to vote of each standing and ad hoc committee.

104.5 The President shall act as official spokesperson for the Board when the Board is not in session; however, the President shall only represent the position of the Board of Education as established by the official acts of the Board. The President shall perform

other duties as may be authorized by this chapter, the Board, or by the laws of the District of Columbia.

104.6 The Vice President shall assume the duties, responsibilities and privileges of the President in the absence or at the request of the President.

104.7 The Secretary shall supervise record keeping, execute such documents permitted by law, have custody of the books of record of Board proceedings, and perform such other duties as the law requires and the Board assigns.

104.8 The Treasurer shall assume such fiscal monitoring responsibilities as determined by a majority vote of the Board.

104.9 In the absence of both the President and the Vice President, the Secretary shall serve as President *pro tempore* and perform all of the duties of the President.

104.10 The Board may establish and provide for the appointment of clerical, secretarial, and professional personnel necessary for providing direct staff services to the Board.

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.

105.3 4 The Agenda for the regular meetings of the Board shall include the following:

- (a) A report of the Superintendent, which may include items for the information of the Board, items for referral to Board committees, and items requiring official action by the Board
- (b) A report of the Executive Secretary to the Board which shall include approval of the journal of proceedings of the Board and accompanying transcripts, and which

- may include items for the information of the Board, items for referral to Board committees, and items requiring official action by the Board;
- (c) A report from each standing and ad hoc committee of the Board, which may include items for the information of the Board and recommendations requiring official action by the Board.
 - (d) A report of the President of the Board which may include any item for the information of the Board and,
 - (e) Provision for time for any member of the Board to present items for information of the Board or for referral by the chair to a Board committee.

105.4 5 The recommendations contained in a committee report which require official Board action shall be automatically placed on the floor as main motions without requiring a second.

105.5 6 Items requiring official action by the Board which are presented by the Superintendent or the Executive Secretary, pursuant to § 105.3, may be placed on the floor for action or referred to the appropriate Board committee for consideration and recommendation at the discretion of the chair.

105.6 7 Items not on the agenda may be added for information or referral to the appropriate Board committee at the discretion of the chair.

105.7 8 The following items may be placed on the floor for action under a waiver of the rules:

- (a) Items not on the agenda;
- (b) Items that have been referred to committee by the chair pursuant to § 105.5; and
- (c) Items presented under §§ 105.3(d) and 105.3(e).

105.8 9 The President shall prepare a consent agenda for each State Education Agency and regular meeting which shall include those matters which the President believes will be adopted by unanimous vote. The consent agenda shall be approved by the Committee of the Whole at its meeting immediately preceding the regular meeting for which the agenda was prepared, provided, that the consent agenda is circulated by the President in advance of the Committee of the Whole meeting.

105.9-10 Any member may strike a matter from the consent agenda at the Committee of the Whole meeting or at any regular meeting prior to the vote on the consent agenda or by a written objection submitted to the Executive Secretary prior to the meeting. Matters removed from the consent agenda shall be considered in accordance with §§ 105.3 and 105.4.

105.10 11 Items remaining on the consent agenda shall be approved by the Committee of the Whole and shall be considered at the next regular meeting as part of the agenda

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established in accordance with § 105.3. Approval of the consent agenda during the regular meeting shall include the unanimous approval of all matters included in the consent agenda.

106 MEETINGS OF THE BOARD OF EDUCATION: SPECIAL MEETINGS

106.1 The President of the Board of Education may call a special meeting of the Board by informing the Executive Secretary in writing of the purpose of the special meeting not less than forty-eight (48) hours prior to the meeting.

106.2 Any four (4) members of the Board of Education may call a special meeting of the Board by informing the Executive Secretary in writing of the purpose of the special meeting not less than forty-eight (48) hours prior to the meeting.

106.3 Upon receipt of the written call for a special meeting, the Executive Secretary shall inform the members of the Board of Education of the time, place, and purpose of the special meeting. The Executive Secretary shall also provide a copy of the written notice to the secretary assigned to each Board member.

106.4 The Executive Secretary shall also give notice of the special meeting to the public by informing the press and media of the time, place, and purpose of the meeting.

106.5 The agenda of the special meeting shall include only those items set forth in the notice of the purpose of the meeting. Items not on the agenda may be added for information, referral, or action under a waiver of the rules.

107 MEETINGS OF THE BOARD OF EDUCATION: EMERGENCY MEETINGS

107.1 The President of the Board of Education may call an emergency meeting of the Board by informing the Executive Secretary in writing of the nature of the emergency and the purpose of the meeting.

107.2 Upon the request of a call for an emergency meeting, the Executive Secretary shall inform the members of the Board of the time, place, nature of the emergency, and purpose of the emergency meeting. The Executive Secretary shall also provide a copy of the written notice to the secretary assigned to each Board member.

107.3 The Executive Secretary shall also give notice of the emergency meeting to the public by informing the press and media of the time, place, and purpose of the meeting.

107.4 The agenda of an emergency meeting shall include only the item(s) set forth in the notice of purpose of the meeting. No item(s) for action by the Board may be added to

the agenda of an emergency meeting.

107.5 Prior to taking action on the agenda item(s) at an emergency meeting, the majority of the Board members present shall ratify the declaration of an emergency.

108 CONDUCT OF BOARD MEETINGS

108.1 Debate and proceedings of the meetings of the Board of Education and its committees shall be governed by the provisions of *Roberts Rules of Order, Newly Revised*, except as provided otherwise by the Board rules.

108.2 Five (5) members of the Board of Education shall constitute a quorum for the purpose of transacting business at any regular meeting, special meeting, emergency meeting, or meeting of the Board sitting as a Committee of the Whole. An exception to this rule exists when there is more than one (1) vacancy on the Board of Education, at which time a quorum shall be reduced as follows.

Number of Members in Office	Quorum
8	5
7	4
6	4
5	3

108.3 Six (6) members of the Board of Education shall vote affirmatively to waive the rules or adopt any measure requiring a two-thirds (2/3) majority vote. An exception exists when there is more than one (1) vacant office of a member of the Board of Education, the number required for waiver shall be as follows:

Number of Members in Office	Votes Required for Waiver (2/3)
8	5
7	5
6	4
5	4

108.4 Interested parties will be provided time to appear before the Board at open

meetings to address the Board on issues currently before the Board using the following procedures:

~~(a) The Board of Education will provide a period of thirty (30) minutes, after the Call to order and Roll, for public comments.~~

(a) The Board of Education will provide a period of one hour, before the Call to Order and Roll Call, for public comments.

~~(b) Two speakers only to a topic will be heard prior to the open session.~~

(b) Only two speakers from the same organization will be heard.

(c) The President will establish time limits for presentations.

108.5 The journal of proceedings of a prior meeting, including transcripts, or any other matter that has been provided to Board members in writing, may be acted upon without reading the material into the record at the discretion of the chair. If adopted, the material shall be included in the journal of proceedings.

108.6 The chair may make motions, second motions, participate in discussion, and vote on all matters at meetings of the Board.

108.7 Items for referral to a committee of the Board that are presented at a regular meeting, or at other meetings of the Board, shall be referred to the appropriate committee by the chair.

108.8 Items received by the Board between meetings shall be referred to the appropriate committee by the President of the Board.

108.9 Any member of the Board may include written comments on any matter on the agenda in the journal of proceedings of a Board meeting by providing the written statement to the Executive Secretary with a copy to each Board member within three (3) days of the adjournment of the meeting.

108.10 Unless specifically provided by common consent of the Board members present or under waiver of the rules, only the following may address the Board or participate in the discussion of matters at regular monthly, special, or emergency meetings:

(a) Members of the Board of Education;

(b) The Superintendent of Schools or administrative staff designated by the Superintendent; or

- (c) Members of the Board staff designated by the chair.

108.11 During consideration of action or informational items, debate and discussion will be limited to three rounds. During the first round, each member will be limited to three minutes. During the second round, each member will be limited to two minutes. During the third round, each member will be limited to one minute. After each member has spoken or has been afforded the opportunity to speak during the three rounds, debate or discussion will cease and, in the case of an action, the president will move the previous question without the need for a second.

109 COMMITTEES OF THE BOARD OF EDUCATION

109.1 The President of the Board of Education shall annually propose a committee structure for adoption by resolution of a majority of the full Board.

109.2 The standing committee structure shall establish the name, number of members, and jurisdiction of each standing committee of the Board.

109.3 The Board of Education may establish ad hoc committees at any time by resolution of a majority of the full Board which shall set forth the name, number of members, and purpose of the ad hoc committee.

109.4 The Board will use ad hoc committees to exercise oversight and develop policy.

109.4 5 An ad hoc committee shall be dissolved upon the submission of a final report and recommendation(s) to the Board, or the expiration of a specified term of the committee if set forth in the establishing resolution, or by vote of a majority of the full Board.

109.56 Standing and ad hoc committees of the Board shall not have executive power unless specifically provided by the rules of the Board of Education or unless specifically delegated to the committee to deal with a particular matter by official action of the Board.

109.67 The chairperson of a standing or ad hoc committee shall preside over committee meetings, establish the agenda of committee meetings, and prepare and present the report of the committee to the Board of Education.

109.7 8 The chairperson of a committee may appoint a chairperson *pro tempore* to assume the duties of the chair in the absence of the chairperson.

110 MEETINGS OF BOARD COMMITTEES

110.1 The quorum of a committee shall consist of a majority of the members of the committee.

110.2 The number required to establish a quorum may be satisfied by the attendance of the President of the Board, or the Vice President or President *pro tempore* in the absence

of the President.

110.3 A committee may sit and conduct business in the absence of a quorum; however, no recommendations to the Board may be acted upon in the absence of a quorum.

110.4 Any member of the Board of Education may attend a meeting of a committee of the Board and participate in committee discussion; however, only members of the committee or other Board member sitting *ex officio* shall be entitled to vote.

110.5 Committee meetings shall be held when called by the chairperson of the committee or at a regular time designated by the committee.

110.6 Notice of all committee meetings shall be given to all members of the Board by the Executive Secretary.

110.7 Committee meetings shall be held in open session unless closed to the public for executive session. Committees may hold executive sessions to discuss any matter, but shall take no action in executive sessions unless such action is specifically authorized by and taken in accordance with the provisions of the Board rules.

110.8 All committees of the Board are fact-finding and deliberative bodies.

111 CONDUCT OF PUBLIC HEARINGS BY COMMITTEES

111.1 A committee may conduct a public hearing on any matter within the jurisdiction of the committee by informing the Executive Secretary not less than fifteen (15) days prior to the hearing in order to provide notice to members of the Board and the public.

111.2 A written notice of a public hearing by a committee of the Board shall be prepared by the Executive Secretary and provided to the press, media, persons and organizations on the mailing list of the Board, and the secretary assigned to each Board member.

111.3 Public hearings conducted by a committee shall be conducted in the manner of a community meeting or as otherwise provided by the committee.

111.4 Hearings shall be chaired by the chairperson of the committee or by a member of the committee designated by the chairperson.

111.5 The presence of a quorum of the committee is not required to conduct a hearing.

111.6 The chairperson of the committee, or a member of the committee designated by the chairperson, shall report on the hearing at the next regular meeting of the Board, or at a special meeting held prior to the regular meeting when the report is an item properly on the agenda of the special meeting.

112POLICY WORKSHOPS

112.1 The Board will perform its oversight responsibilities through the use of workshops that allow for and promote both transparency of the Board policy development process and public participation in the examination of policy recommendations.

113CODE OF ETHICS

113.1 The Board of Education will uphold the constitution, laws and regulations of the United States and the District of Columbia.

113.2 The Board will put loyalty to the welfare of the children and to the School District above loyalty to individuals, voting districts, particular schools or other special interest groups.

113.3 The Board Members will, unless excused for good cause, attend all meetings of the Board or committees to which he or she has been assigned.

113.4 The Board will give full measure of effort and service to the position of trust for which stewardship has been granted, giving earnest effort and best thought to the performance of duties.

113.5 The Board will seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.

113.6 The Board will recommend and support policies and programs that support and protect the human rights of all members of the school community.

113.7 The Board will ensure the integrity of the actions of the School Board by avoiding granting special favors or unfair privilege to anyone and any entity.

113.8 The Board will engage in no business with the District of Columbia government, or the school system, either directly or indirectly, which is inconsistent with the conscientious performance of duties except as may be consistent with conflict of interest statutes in the DC Code.

113.9 The Board will never use information gained confidentially in the performance of Board duties as a means of making private profit or gaining personal advantage of any kind.

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113.10 The Board shall report through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.

113.11 The Board shall adhere to the principal that the public's business should be conducted in the public view by observing and following the letter and spirit of the District of Columbia public posting requirements using closed meetings only to take preliminary action on sensitive personnel, student, legal or contractual issues as provided in the DC Code.

113.12 The Board shall ensure that when responding to the media, or in communication with others, a clear distinction is made between personal opinion or belief and a decision made by the Board.

113.13 The Board shall review orally and in public session at the annual organizational meeting each of these principals and abide by them as a Board member.

113.14 The Board Members will put student achievement at the center of all Board work.

113.15 The Board Members will function as part of a policy-making and oversight Board rather than as an administrative Board.

113.16 The Board Members will accept responsibility for leadership by encouraging the community and staff members to maintain and improve the public school system in all appropriate ways consistent with District of Columbia laws, including efficiency in the use of materials and personnel resources.

113.17 The Board members will recognize that his or her responsibility is not to run the schools, but to see that they are well run.

113.18 The Board Members will respect and support the decisions of the Superintendent consistent with Board policy. Regardless of any individual member's dissent from a decision of the Board, he or she acknowledges that the Superintendent is bound by direction given by the Board as a whole.

113.19 The Board Members will refer concerns about the school system operation and their effects to the Superintendent and/or only his/her designated staff member

113.20 The Board Members agree not to render judgment of the Superintendent's performance except in the context of the Board's semi-annual evaluation process.

113.21 The Board Members will respect and support the professionalism of District of Columbia Public Schools employees.

113.22 The Board Members will not publicly criticize employees.

113.23 The Board Members have no authority over staff and do not insert themselves into staff operations, place themselves between staff members in any disputes or

negotiations, or engage in solving staff problems.

113.24 The Board Members will visit schools often, but do not negotiate or engage in any way in the operations of any school.

113.25 The Board Members will work with each other, staff, students and members of the public in a conscientious, courteous, open and trustworthy manner befitting the public trust placed the position of a School Board Member. Board members focus Board action on policymaking, goal setting, planning, and evaluation.

113.26 The Board Members will encourage an open and lively exchange of ideas and opinions. Each Board member is obligated to express his/her opinions to his/her colleagues on issues before the Board.

113.27 The Board Members will recognize that decisions are made by the Board as a whole and make no personal promises on behalf of the Board or take private action on that may compromise the Board.

113.28 The Board Members will recognize that individual Board members have no authority to speak on behalf of the Board or to call official meetings or hearings unless specifically authorized by the Board.

113.29 The Board can censure Members by the adoption of a resolution for violations of this ethics policy and publicize such censure.

[114] RESERVED

115 SEAL OF THE BOARD OF EDUCATION

115.1 The Board of Education is authorized by the Code of Laws of the District of Columbia to adopt, alter, and use a seal which shall be judicially noticed.

115.2 The seal adopted by the Board of Education under this section shall be the official seal of the Board of Education, and all schools, programs, and administrative components under the jurisdiction of the Board of Education.

115.3 The seal may be imprinted or embossed; provided, that in the reproduction or other use of the seal, no alteration may be made in the design adopted by the Board of Education.

115.4 The symbolism contained in the design of the seal shall reflect appropriately the mission and historical development of the Board of Education and the Public Schools of the District of Columbia.

115.5 The seal shall be used to authenticate or attest the following:

(a) Documents, diplomas, records, legal instruments, and publications issued or maintained by the Board of Education; and

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(b) Schools, programs, and administrative components under the jurisdiction of the Board of Education.

115.6 The seal may be used for decorative or other purposes not listed in § 115.5, upon approval of the usage by the officer in charge of the school, program, or administrative component.

115.7 The seal may not be used for any purpose by organizations, groups, or individuals operating outside of the jurisdiction of the Board of Education unless written permission is secured from the Superintendent of Schools, or his or her designee, prior to that use.

115.8 Other seals and logos adopted by high schools and other schools or administrative components may be used for decorative purposes on documents or publications approved by the officer in charge of the school or administrative component; provided, that whenever those documents or publications require authentication, the official seal shall be affixed in accordance with § 115.5.

115.9 The Superintendent of Schools shall be the custodian of the seal of the Board of Education and the Public Schools of the District of Columbia. The Superintendent is authorized to issue guidelines for use of the seal.

116 STUDENT MEMBER OF THE BOARD

116.1 There shall be elected on an annual basis pursuant to §§ 116.2 and 116.3, for a term of office to commence as of the conclusion of the Stated Board Meeting in June, a Student Member of the Board of Education.

116.2 In order to serve as Student Member of the Board, a student shall meet the following requirements:

- (a) Be enrolled in the D.C. Public Schools in either his or her junior or senior year;
- (b) Be in attendance at a comprehensive or vocational or career high school;
- (c) Be a *bona fide* resident of the District of Columbia;
- (d) Have been continuously enrolled as a student in the D.C. Public Schools since ninth (9th) grade; and
- (e) Maintain a two point (2.0) cumulative grade point average.

116.3 The Student Member shall be elected by a method determined by the citywide Student Advisory Council, in accordance with § 116.4.

116.4 The Student Advisory Council shall accord sufficient opportunity for discussion

prior to a vote being taken as to changing the method to be utilized.

116.5 Potential candidates in any given year shall be provided adequate advance notice of the procedures to be utilized in selecting the Student Member.

116.6 No student shall be elected if he or she has previously been elected to a full term as Student Member pursuant to § 116.3.

116.7 Upon receipt of a tally by the Student Advisory Council of the votes cast for those students nominated for the position of Student Member, the Superintendent of Schools shall certify in writing to the Board no later than June 7th that the selection process was in conformity with the provisions of this section and shall certify the official tally of the votes cast, apprising the Board of the successful candidate.

116.8 The Board, by public vote at its stated June meeting, shall vote whether to accept the certified results of the election process. Upon acceptance by the Board, the Student Member so elected shall be permitted to assume his or her responsibilities effective at the conclusion of the Stated Board Meeting in June.

116.9 At regular, special, emergency and community meetings of the Board of Education, the student members shall be accorded the same opportunity as the members of the Board to introduce resolutions and speak to the business before the body; provided, that the students shall not have a vote at such meetings except as provided in § 116.12.

116.10 In order to fully participate at Board meetings, the Student Member shall be provided with all information, reports, submissions, publications, agendas, and committee reports provided to Members of the Board of Education.

116.11 The President shall be empowered to appoint the Student Member, pursuant to § 104.2 of this title, to any standing or ad hoc committee established by the Board. The Student Member shall always be a designated member of the Committee on Student Services and Community Involvement or its successor committee.

116.12 As a member of any committee other than the Committee of the Whole, the student members shall have the right to vote, to make a quorum, and to participate as fully as any other member of the committee. The student members shall have a right to vote at the Committee of the Whole and the stated Board meetings, only for the purpose of establishing a voting record. The student members' votes shall not be counted to establish a quorum or impact decision-making at the Committee of the Whole or the stated Board Meeting.

116.13 The Student Member may attend a meeting of any other committee of the Board of which he or she is not a member and participate in committee discussion without vote.

116.14 For each hearing and each regular, special, emergency, community and

committee meeting of the Board, attended by the Student Member in the course of acquitting his or her official duties, the Student Member shall be compensated fifty dollars (\$50) in addition to local travel expenses, not to exceed four thousand dollars (\$4,000) per year.

116.15 The Board of Education, by vote of a majority of the full membership of the Board taken in public session, after providing notice and an opportunity for a hearing, may remove a Student Member from office, prior to the expiration of his or her term for any of the following reasons:

- (a) Failure to maintain eligibility in accordance with § 116.2;
- (b) Misconduct in office; or
- (c) Willful neglect of duty.

116.16 If the office of Student Member is declared vacant by the Board due to ineligibility, removal for cause, resignation or death, the Student Advisory Council shall select a successor or provide a process to select a successor to serve until expiration of the original term.

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 Executive Director of the D.C. Board of Education (Board), 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 September 21, 2005 Board meeting to amend Chapter 2 of the Board Rules, Title 5 of the D.C. Municipal Regulations, regarding Policymaking and Board Operations. The revisions require the Superintendent of Schools to amend Section 220 by adding Section 215; and deleting Section 220 in its entirety. These revisions will do the following: 1) establish a date for when the Board will conduct an annual review of the Superintendent's performance; 2) establish a date for when the Board will review the report and approve the appropriate level of performance bonus, if any, by a specified date; and 3) define the contents of the performance report.

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 2 is amended to add a new section:

215 ANNUAL REVIEW OF THE SUPERINTENDENT AND SCHOOL SYSTEM

215.1 The Board shall adopt an evaluation review process and other actions pertaining to the evaluation of the Superintendent.

215.2 The Superintendent of Schools shall annually develop and submit to the Board of Education for approval goals and objectives and performance measures for the District of Columbia Public Schools and performance goals and measures to be incorporated into the Superintendent's performance evaluation.

215.3 The Superintendent shall submit a performance report, no later than the first Friday in September of each school year, on the level of achievement of the performance goals and objectives for the District of Columbia Public Schools and the level of achievement in meeting the Superintendent's performance goals for the preceding school year.

215.4 The Board shall evaluate the Superintendent's performance based, in part, on the Superintendent's report to the Board.

215.5 The Board shall accept the Superintendent's performance report and approve the appropriate level of performance bonus, if any, no later than the date of the Stated Board

Meeting in October and the Superintendent shall receive a bonus, if any, by October 31 of each school year.

Section 220 is deleted in its entirety:

~~220 — ANNUAL REVIEW OF THE SCHOOL SYSTEM~~

~~220.1 — The Board of Education shall establish long range goals for the furtherance of the mission of the District of Columbia Public Schools.~~

~~220.2 — The Superintendent of Schools shall develop, for approval by the Board, objectives designed to achieve the goals established by the Board of Education.~~

~~220.3 — The Board of Education shall conduct an annual review to determine the level of achievement of its goals and objectives for the District of Columbia Public Schools.~~

~~220.4 — The annual review shall include, but shall not necessarily be restricted to, an evaluation of the following:~~

~~—(a) — The overall direction and achievement of the District of Columbia Public Schools;~~

~~—(b) — The accomplishments of the Board of Education in establishing goals, approving objectives, and enacting policies for the District of Columbia Public Schools, and in overseeing the implementation of those goals, objectives, and policies; and~~

~~—(c) — The performance of the Superintendent of Schools in implementing Board policies and in achieving objectives in areas that include, but are not restricted to, instruction, management, planning, evaluation, and community relations.~~

~~220.5 — The annual review shall cover the period beginning May 1st and ending April 30th.~~

~~220.6 — The annual review shall be conducted during May by the Committee of the Whole of the Board of Education in consultation with the Superintendent of Schools.~~

~~220.7 — A report of findings resulting from the annual review shall be presented by the Committee of the Whole to the Board of Education for appropriate action at its stated meeting held in June.~~

~~220.8 — Procedures for conducting the annual review of the school system, and any evaluative standards or instruments utilized during such proceedings, shall be developed by the Board of Education in consultation with the Superintendent of Schools.~~

Written comments on the proposed rulemaking are invited from interested citizens. Such comments should be addressed to Ms. Peggy Cooper Cafritz, President, District of Columbia Public Schools 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.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act") effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.09), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendment to Chapter 35 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the proposed rule is to establish health occupations license fees for the newly created profession of anesthesiology assistants.

A new fee schedule is added to section 3500.1 of Title 17 (Business, Occupations & Professions) (May 1990) to read as follows:

DESCRIPTION OF SERVICE	FEE
ANESTHESIOLOGY ASSISTANTS:	
Application Fee	\$65.00
License Fee	\$111.00
Paid Inactive Status	\$111.00
Renewal Fee	\$111.00
Late Renewal Fee	\$65.00
Document Duplication Fee	\$26.00
Verification of Records	\$26.00
Reinstatement Fee	\$176.00

All persons wishing to comment on the proposed rulemaking shall submit written comments no later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays, at the address listed above.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Chapter 42 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The purpose of the amendments is to amend the education requirements for licensure in the District of Columbia to require that all foreign trained graduates must have obtained a U.S. or Canadian issued DDS or DMD degree in order to be licensed; to add regulations for licensure by endorsement; to accept for licensure a passing score from any regional board examination for applicants that have been actively engaged in the practice of Dentistry in another state for the five (5) years prior to applying for licensure in the District; to repeal the foreign graduate education section since the same education requirements now apply to all licensees, and to change the name of the District Examination to the District of Columbia Dental Law Examination.

Proposed Rulemaking was published on June 3, 2005, at 52 DCR 5300. No written comments were received from the public in connection with this notice. After publication the Board of Dentistry made additional amendments to the regulations to further ensure that all applicants for dental licensure in the District would be properly educated and trained before obtaining licensure. Specifically, the proposed rulemaking has been amended to require that all applicants must have obtained a U.S. or Canadian issued Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree without exception. Additionally, the proposed rulemaking will required that applicants who have passed a regional board examination other than the North East Regional Board examination must also have been actively engaged in the practice of Dentistry in another state for the five (5) years prior to applying for licensure in the District in order to obtain licensure. Therefore, the rulemaking is being republished to provide thirty (30) days to receive comments on the revised rulemaking. These Proposed Rules supercede those published on June 3, 2005.

Final rulemaking action to adopt these rules shall take place in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following rulemaking action is proposed:

17 DCMR Chapter 42, DENTISTRY, is amended to read as follows:

Section 4202.1 is amended to read as follows:

4202.1 All applicants without exception shall furnish proof satisfactory to the Board that

the applicant has:

- (a) Successfully completed an educational program in the practice of dentistry at an institution recognized by the Commission on Dental Accreditation of the American Dental Association (ADA) at the time the applicant graduated in accordance with § 504(d) of the Act, D.C. Official Code § 3-1205.04(d) (1985); and
- (b) Received a U.S., including U.S. territories, or Canadian issued Doctor of Dental Surgery (DDS) or Doctor of Dental Medicine (DMD) degree.

A new section 4202.3 is added to read as follows:

4202.3 If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

Section 4203 is repealed

The section heading for 4204 is amended to read as follows:

4204 LICENSURE BY EXAMINATION

Section 4204.1 is amended to read as follows:

- 4204.1 To qualify for a license by examination, an applicant shall:
- (a) Meet the education requirements set forth under § 4202 of this chapter; and
 - (b) Receive a passing score on the following:
 - (1) Part I and Part II of the examination of the Joint Commission on National Dental Examinations;
 - (2) The Northeast Regional Board (NERB) examination; and
 - (3) The District of Columbia Dental Law Examination.

Section 4204.2 is amended to read as follows:

- 4204.2 To apply for a license by examination, an applicant shall:
- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application; and

- (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit an official certificate of graduation in a sealed envelope from the educational institution(s) to the Board, which shall verify that the applicant meets the educational requirements set forth under § 4202 of this chapter;
- (c) Submit the applicant's examination results, which have been certified or validated by the NERB and the Joint Commission of National Dental Examinations;
- (d) Pass the District of Columbia Dental Law Examination; and
- (e) Pay all required fees.

Section 4204.4 is amended to read as follows:

- 4204.4 An applicant who has successfully completed the NERB examination ten (10) or more years prior to the date of receipt by the Board of the application for licensure shall be required to retake the NERB examination, unless the applicant is applying for licensure by endorsement pursuant to § 4209 of this chapter.

Section 4205 is amended to read as follows:

4205 DISTRICT OF COLUMBIA DENTAL LAW EXAMINATION

- 4205.1 To qualify for a license under this chapter, all applicants without exception shall receive a passing score on a written examination developed by the Board on laws and rules pertaining to the practice of dentistry (the District of Columbia Dental Law Examination).
- 4205.2 Repealed.
- 4205.3 The District of Columbia Dental Law Examination may consist of questions on general District laws pertaining to dentistry and dental hygiene including the Act, this chapter, and chapters 40, 41, and 43 of this title.

Section 4206.2 is amended to read as follows:

- 4206.2 This section shall not apply to applicants for an initial license by examination or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.

Section 4209 is amended to read as follows:

4209 LICENSURE BY ENDORSEMENT

4209.1 An applicant is eligible to apply for licensure by endorsement in the District of Columbia if the applicant:

- (a) Meets the education requirements set forth under § 4202 of this chapter;
- (b) Has successfully completed Part I and Part II of the examination of the Joint Commission on National Dental Examinations;
- (c) Is currently licensed, in good standing, to practice dentistry in another state of the United States; and
- (d) Has passed the NERB examination; or
- (e) Has passed a regional board examination, other than the NERB examination, and meets the active practice requirements set forth in § 4209.3(f) of this chapter.

4209.2 An applicant, holding an active license to practice dentistry in any other state, who has passed the NERB examination, shall apply for licensure by endorsement as follows:

- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application; and
 - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;
- (d) Submit the applicant's NERB examination results, which have been certified or validated by the NERB;
- (e) Submit the applicant's examination results which have been certified or validated by the Joint Commission of National Dental Examinations;

- (f) Pass the District of Columbia Dental Law Examination; and
- (g) Pay all required fees.

4209.3

An applicant, holding an active license to practice dentistry in any other state, who has passed a regional board examination, other than the NERB examination, shall apply for licensure by endorsement as follows:

- (a) Submit a completed application to the Board on the required forms and include:
 - (1) The applicant's social security number on the application; and
 - (2) Two (2) recent passport-type photographs of the applicant's face measuring two inches by two inches (2" x 2") which clearly expose the area from the top of the forehead to the bottom of the chin.
- (b) Submit a copy of his or her current license with the application;
- (c) Obtain verification from each state in which the applicant holds or has ever held a professional health occupation license, that the license is current and in good standing, or if the license is no longer active, that it was in good standing immediately prior to its expiration. The licensure verification form must be sent directly to the Board, by the verifying Board;
- (d) Submit the applicant's regional board examination results, which have been certified or validated by the regional board;
- (e) Submit the applicant's examination results, which have been certified or validated
by the Joint Commission of National Dental Examinations;
- (f) Submit evidence satisfactory to the Board establishing that the applicant has been actively engaged in the practice of dentistry, in another U.S. state, in good standing, for the five (5) years immediately preceding the application, and has at least eight hundred and fifty (850) hours of active dental practice. The practice of dentistry in the armed forces, state and federal programs, and intern and residency programs may be counted toward the required hours of active practice;
- (g) Pass the District of Columbia Dental Law Examination; and
- (h) Pay all required fees.

4209.4

In addition to the requirements set forth in this section, the Board may, in its discretion, require an applicant for licensure by endorsement to take and successfully complete a competency examination, or any portion thereof deemed necessary by the Board, as a prerequisite to licensure if the applicant's licensure in

any state was ever denied, revoked, or suspended for incompetency or inability to practice in a safe manner.

- 4209.5 An application that remains incomplete for ninety (90) days or more from the date of submission shall be considered abandoned, and closed by the Board. The applicant shall thereafter be required to reapply, submit the required documents and completed forms, and pay the required fees.
- 4209.6 Nothing in this section shall be construed to prohibit the Board from utilizing other authorized databases to verify an applicant's current licensure standing in other jurisdictions of the U.S. or to review disciplinary records.

Section 4299.1 is amended as follows:

a) The following terms with the ascribed meanings are added as follows:

NERB- the North East Regional Board of Dental Examiners, Inc.

NERB Examination—the examination in dentistry offered by the North East Regional Board of Dental Examiners, Inc.

Regional Board—the examination in dentistry offered by any of the following dental examination organizations:

- (a) The Central Regional Dental Testing Service;
- (b) The North East Regional Board of Dental Examiners, Inc.;
- (c) The Southern Regional Testing Agency, Inc.; and
- (d) The Western Regional Examining Board, Inc.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the D.C. Register, to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 9:00 a.m. and 5:00 p.m. at the address listed above.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following new rules to Title 17 of the District of Columbia Municipal Regulations ("DCM"), Chapter 46 in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of this rulemaking is to establish a physician profile that will be accessible to the public and will allow patients to be well-informed about a physician's credentials prior to selection of the physician as a healthcare provider.

Chapter 46 (Medicine) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended to read as follows:

A new section 4609 is added to read as follows:

4609 PHYSICIAN'S PROFILE

4609.1 An applicant for a initial license or renewal of a license to practice allopathic or osteopathic medicine shall provide to the Board of Medicine the following information within thirty (30) days from the date of the initial application or renewal or, change in the following information:

- (a) The address and telephone number of the primary practice setting and all secondary practice settings with the percentage of time spent at each location;
- (b) The names of medical or osteopathic schools and graduate medical education programs attended with dates of graduation or completion of training;
- (c) The names and dates of specialty Board certification, if any, as approved by the American Board of Medical Specialties or the Bureau of Osteopathic Specialists of the American Osteopathic Association;
- (d) The number of years in active, clinical practice in the United States or Canada following completion of medical training and the number of years, if any, in active, clinical practice outside the United States or Canada;
- (e) The area of specialty, if any, in which the physician practices;
- (f) The names of hospitals with which the physician is affiliated;

- (g) Appointments, if applicable, within the past 10 years to medical schools faculties with the years of service and academic rank;
- (h) Publications, not to exceed ten (10) in number, in peer-reviewed literature within the most recent five-year period, to be supplied at the physician's discretion;
- (i) Access, if any, to translating services for non-English speaking patients at the primary and secondary practice setting and which, if any, foreign languages are spoken in the practice;
- (j) Whether the physician participates in the District Medicaid and Medicare programs and whether he or she is accepting new Medicaid and Medicare patients, or D.C. Health Alliance;
- (k) The names of insurances accepted by the physician, to be supplied at the physician's discretion;
- (l) Information on misdemeanor and felony convictions including the date(s) of the conviction, the nature of the conviction, the jurisdiction in which the conviction occurred, and the sentence imposed, if any;
- (m) Within the last ten (10) years, final orders of any regulatory board of another jurisdiction that resulted in the denial, probation, revocation, suspension, or restriction of any license or that resulted in the reprimand or censure of any licensure, fines imposed, or the voluntary surrender of a license while under investigation in a jurisdiction other than the District of Columbia, restriction or termination of privileges at a healthcare facility as a result of peer review action, as well as any disciplinary action taken by a federal health institution or federal agency; and
- (n) The date, amount, and description of any medical malpractice payout made within the last ten (10) years.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to section 8(c) of the District of Columbia Substance Abuse Treatment and Prevention Act of 1989, effective March 15, 1990 (D.C. Law 8-80; D.C. Official Code § 44-1207(c)), and Mayor's Order 98-87, dated May 29, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendment to Chapter 23 of Title 29 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register. The purpose of the proposed rules is to specify, in conformity with current practices, that the Addiction Prevention and Recovery Administration (APRA) is responsible for the inspection, monitoring and certification of all substance abuse treatment facilities and programs operating in the District of Columbia.

Chapter 23 (Certification Standards for Substance Abuse Treatment Facilities and Programs) of Title 29 (Public Welfare) (May 1987) is amended as follows:**Section 2300.1 is amended to read as follows:**

- 2300.1 The Department of Health (DOH), Addiction Prevention and Recovery Administration (APRA), is the Single State Agency (SSA) responsible for the development and promulgation of rules, regulations and certification standards for prevention and treatment services related to the abuse of alcohol, tobacco and other drugs (ATOD) in the District of Columbia. APRA, as the SSA, is also responsible for the inspection, monitoring and certification of all substance abuse treatment facilities and programs operating within the District of Columbia.

All persons interested in commenting on the subject matter of this proposed rulemaking action may file comments in writing not later than thirty (30) days after the publication of this notice in the D.C. Register. Comments should be sent to the Office of the Senior Deputy Director and Administrator of APRA, District of Columbia Department of Health, 825 North Capitol Street, N.E., 3rd Floor, Room 3132, Washington, D.C. 20002. Copies of this notice are available by writing to the above address.

DEPARTMENT OF PUBLIC WORKS

NOTICE OF PROPOSED RULEMAKING

The Director, D.C. Department of Public Works, pursuant to the authority set forth in section 2(c) of the District of Columbia Solid Waste Disposal Act of 1989, effective July 15, 1989 (D.C. Law 8-16; 36 DCR 4155) and Mayor's Order 2005-123, dated August 23, 2005, hereby gives notice of intent to adopt the following rules in not less than thirty (30) days from the publication of this notice in the D.C. Register and upon completion of the forty-five (45) day Council period of review if the Council does not act earlier to adopt a resolution approving the proposed amendments. These rules would amend Chapter 7, Title 21, *District of Columbia Municipal Regulations* to change the disposal fees for solid waste and construction and demolition debris, to amend the recycling surcharge, and to permit payment of these amounts by credit card.

Chapter 7 is amended as follows:

Section 719.6 is amended to read as follows:

719.6 The following fee-setting formula is established for the disposal of each ton of construction and demolition debris: Solid Waste Disposal Fee for Construction and Demolition Debris + Solid Waste Disposal Fee + Special Handling Costs + Recycling Surcharge

Section 720.5 is amended to read as follows:

720.5. The applicable fees for the disposal of construction and demolition debris at the waste-handling facilities shall be seventy dollars (\$70.00) for each ton disposed; Provided, that a minimum fee of thirty-five dollars (\$35.00) shall be imposed on each load weighing one thousand pounds (1,000 lbs.) or less.

Section 720.8 is amended to read as follows:

720.8 The applicable fees for the disposal of each ton of solid waste at the waste-handling facilities, excluding those wastes specified in § 720.5, 720.6, and 720.7, shall be fifty dollars (\$50.00) for each ton disposed; provided, that a minimum fee of twenty-five dollars (\$ 25.00) shall be imposed on each load weighing one-thousand pounds (1,000 lbs.) or less.

Section 720.9 is amended to read as follows:

720.9 The waste reduction and recycling surcharge shall be one dollar (\$ 1.00) for each ton of solid waste disposed of at the waste-handling facilities.

Section 720.10 is repealed.

Section 721.1 is amended to read as follows:

- 721.1 A solid waste collector who disposes of solid waste at a disposal facility owned by, operated by, or under contract with the District shall pay its disposal fees in advance by certified check or credit card; or by establishing an escrow account with a financial institution for monthly drawdowns by the District to pay for the collector's solid waste disposal fees. The escrow account shall maintain a balance equivalent to sixty (60) days of estimated disposal fees. Estimated disposal fees shall be based on the average of the solid waste collector's disposal cost from the preceding six (6) month period. If the disposal cost information for the preceding six (6) month period is not available, the Mayor shall reasonably determine the balance to be maintained in the escrow account. All escrow accounts shall be reconciled within five (5) business days after the date on which the solid waste disposal collector is notified of any deficiency in an escrow account. If the escrow account is not reconciled within five (5) business days, the Mayor shall impose a five percent (5%) penalty based on the amount due in the escrow account.

Section 721.2 is repealed.

Comments on these proposed regulations should be submitted, in writing, to Ms. Christine V. Davis, General Counsel, Department of Public Works, 2001 14th St, N.W., 6th Floor, Washington, D.C. 20009, within thirty (30) days of the date of publication of this notice in the *D.C. Register*.

Additional copies of these proposed regulations are available from the above address:

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES****NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under sections 8(b)(1)(E) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code §§ 50-307(b) (1)(E), and 50-308(b)), hereby gives notice of its proposed rulemaking action taken September 14, 2005, to amend § 822.8 of Chapter 8 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The proposed rulemaking increases the penalty for a taxicab operator's failure to notify the Office of Taxicabs of a change of address, telephone number, and association, company, organization or vehicle owner. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following section in 31 DCMR Chapter 8 is amended as follows:

822 OPERATION OF TAXICABS

822.8 Every person holding an identification card shall maintain at the Office of Taxicabs their correct name, residence address and telephone number, and if affiliated with a company or association, the association, company, organization or owner for which they drive. In the event of any change in this information, the licensee shall inform the Office of the change within five (5) business days. The licensee may elect to provide this information by certified mail with return receipt requested or by hand delivery to the Office. If the licensee delivers the information by hand delivery, the Office will provide proof of filing to the licensee. Failure to do so will result in a fine of one hundred dollars (\$100.00) per offense. Any fine imposed pursuant to this section shall be collected at the time of the licensee's renewal period.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.

DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under sections 8(b)(1)(I) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986, (D.C. Law 6-97; D.C. Official Code §§ 50-307(b) (1)(I), and 50-308(b)), hereby gives notice of its proposed rulemaking action taken September 14, 2005, to amend § 825.1 of Chapter 8 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The proposed rulemaking increases the civil fine amount for a taxicab operator's failure to notify the Office of Taxicabs of a change of address, telephone number, and association, company, organization or vehicle owner. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The following section in 31 DCMR Chapter 8 is amended as follows:

825 CIVIL FINES FOR TAXICAB INFRACTIONS

825.1 The civil infractions and their respective fine amounts set forth in this section do not include those major moving violations for which jurisdiction remains in the Superior Court.

<u>INFRACTION</u>	<u>FINE</u>
Failure to Notify	
The Office of a change in information	100.00

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.