BOARD OF EDUCATION

NOTICE OF FINAL 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 final rulemaking action taken by the Board at its November 16, 2005 Stated Board Meeting to amend Chapter 2 of Title 5 of the D.C. Municipal Regulations, regarding Policymaking and Board Operations. The proposed rulemaking was published in the D.C. Register on October 7, 2005, Vol.52 – No.40. The revisions amend Chapter 2 by adding Section 215 and deleting Section 220. These revisions will do the following: 1) require the Superintendent to develop and submit for approval goals and objectives and performance measures for the District of Columbia Public Schools and performance goals and measures to be incorporated in the Superintendent's performance evaluation; 2) establish a date when the Superintendent will submit the performance report to the Board; 3) establish a date when the Board will conduct an annual review of the Superintendent's performance; 4) establish a date when the Board will conduct an annual review of the Superintendent's performance; and 5) establish a date when the Board will evaluate the Superintendent and approve the appropriate level of a performance bonus.

Chapter 2 is amended to add a new section:

215 ANNUAL REVIEW OF THE SUPERINTENDENT AND SCHOOL SYSTEM

215.1 The Board of Education shall annually 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 his 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 his performance goals for the preceding school year.

215.4 The Board of Education shall approve the Superintendent's performance report and approve the appropriate level of performance bonus, if any, no later than 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:

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 FINAL RULEMAKING

The District of Columbia Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, Section 38-101 et seq., hereby gives notice of final rulemaking action taken by the Board at its meeting held on November 14, 2005, to amend Chapters 25 and 30 of the Board Rules (Title 5 of the D.C. Municipal Regulations). These amendments, if enacted, will effect the following actions: (1) clarify that the timeframe in which a student with a disability may be placed in an alternative educational setting as a means of discipline is forty-five (45) school days and not forty-five (45) calendar days and include the infliction of "serious bodily injury upon another person" as another reason disciplining a child with a disability; (2) enact a change in the definition of "developmental delay" required by the U.S. Office of Special Education (OSEP); (3) establish that a child's obtaining a GED does not end a Local Education Agency's (LEA's) obligation to provide that child with a Free Appropriate Public Education (FAPE), another amendment required by OSEP; (4) change the site at which some parents who wish to have their children assessed for suspected disabilities are to submit such requests; (5) eliminate the "severe discrepancy" requirement to determine whether a child has a Specific Learning Disability (SLD); (6) eliminate the requirement of benchmarks or short term objectives as a mandatory part of the IEP; (7) change the requirement for transition assessments from age fourteen to age sixteen; (8) change the requirement that procedural safeguards be provided to parents whenever an evaluation or reevaluation is conducted or at every meeting to one time a year, consistent with the IDEA Reauthorization; and (9) modify, consistent with the IDEA Reauthorization, the applicable forty-five (45) day timeline requirements for a due process hearing to commence thirty (30) days after the filing of the due process complaint in order to allow for case resolution through the Resolution Session or mediation.

The final rulemaking will take effect upon its publication in the *D.C. Register*. Emergency and proposed rulemaking on this subject was published in the *D.C. Register* on July 1, 2005. A Public hearing was held on October 27, 2005, wherein twelve (12) witnesses presented the Board with comments regarding the subject rulemaking. Based on the comments received, the following amendments were made:

1) Section 2510.2 (b) (3) was amended to add the word "protracted" after disfigurement and before loss.
2) Section 3030.1 was amended to add clarify that the "relevant team members" are determined by both the parent and the Local Education Agency.

Amend Section 2510.2 (b) as follows:

2510.2 DCPS may order a change in the placement of a child with a disability:

(b) To an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than forty-five (45) **school** days if:

(1) The student carries **or possesses** a weapon **on school grounds** ~~to school~~ or to a school function; or

(2) The student knowingly possesses or uses illegal drugs or solicits the sale of a controlled substance while at school or at a school function~~.~~ **;or**

(3) The student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function. "Serious bodily injury" is defined as substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of bodily function.

Amend Section 3001.1 as follows:

3001.1 Developmental Delay-a condition in which a child, three through seven years of age:

(a) experiences severe developmental delays of at least two years below his or her chronological age and/or at least two standard deviations below the mean, as measured by appropriate standardized diagnostic instruments and procedures, in one or more of the following areas:

1. Physical development;
2. Language and communication development;
3. Social or emotional development;
4. ~~Sensory motor integration development~~ **Cognitive development;** or
5. Adaptive development; and

(b) due to the delay(s) described above, requires special education and related services.

No child shall be classified as having "Developmental Delay" based solely on deficits in the area of social and/or emotional development.

"Developmental Delay" does not apply to children with the following disabilities:

(a) autism;

(b) traumatic brain injury;

(c) mental retardation;

(d) emotional disturbance;

(e) other health impairment;

(f) orthopedic impairment;

(g) visual impairment, including deafness;

(h) hearing impairment, including deafness; or

(i) speech/language impairment.

Amend Section 3002.2(c) as follows:

3002.2(c) The LEA shall not be obligated to provide FAPE to children with disabilities who have graduated from high school with a regular high school diploma. This provision does not apply to children with disabilities who have graduated, but who have not been awarded a regular high school diploma. ~~In the District, the achievement of the GED is the equivalent of graduating with a regular high school diploma.~~

Amend Sections 3004.1 (c) and (d) as follows:

3004.1 **Referral to IEP Team**

(c) If the child to be referred ~~resides in the District~~ **attends a D.C. public school or is enrolling in a D.C. public school at the time this referral is made**, this referral shall be submitted **by his or her parent** to the building principal of his or her home school, ~~even if he or she does not attend or wish to attend this facility,~~ on a form to be supplied to the parent by the home school at the time of the parent's request.

(d) ~~If the child to be referred is a ward of the District residing outside of the city, this referral shall be submitted to the principal of a site designated by the Superintendent.~~ **If the child to be referred does not attend a D.C. public school and the parent does not register the child to attend a D.C. public school at the time the referral is made, this referral shall be submitted by**

the parent to a site designated by the Superintendent on a form to be supplied to the parent by that site at the time of the parent's request.

Amend Sections 3006.4 (a), (b) and (c) as follows:

3006.4 The IEP team shall determine that a child has a **Specific Learning Disability** (SLD) if:

(a) ~~the child does not achieve commensurate with the child's age and ability levels in one or more of the areas listed below, when provided with learning experiences appropriate for the child's age and ability levels~~ **a disorder is manifested in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.**

(b) ~~the child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas~~ **Disorder includes such conditions as:**

(1) ~~oral expression~~ **perceptual disabilities**;

(2) ~~listening comprehension~~ **brain injury**;
(3) ~~basic reading skills~~ **minimal brain dysfunction**;

(4) ~~reading comprehension~~ **dyslexia and**;

(5) ~~written expression~~ **developmental aphasia**~~;~~**.**

~~(6) mathematics calculation; or~~

~~(7) mathematics reasoning; and~~

(c) ~~the severe discrepancy between ability and achievement is not primarily the result of~~ **Disorder does not include a learning problem that is primarily the result of**:

(1) a visual, hearing or motor ~~impairment~~ **disability**;

(2) mental retardation;

(3) emotional disturbance; or

(4) environmental, cultural or economic disadvantage.

(d) In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures.

Amend Section 3009.1 (c) as follows:

3009.1(c) The IEP for a child with a disability shall include:

(a) A description of the child's **present levels of academic achievement** ~~educational performance~~ **and functional performance,** including how the child's disability affects the child's involvement and progress in the general **education** curriculum (the same curriculum as for non-disabled children), ~~and the method and date of determining performance~~ and for **children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;**

(b) For preschool children, as appropriate, a description of how the disability affects the child's participation in appropriate activities;

(c) A statement of measurable annual goals, including ~~benchmarks or short-term objectives related to~~ **academic and functional goals, designed to**:

(1) Meet~~ing~~ the child's needs that result from the child's disability~~,~~ to enable the child to be involved in and **make** progress in the general **education** curriculum; and

(2) Meet~~ing~~ each of the child's other educational needs that result from the child's disability~~.~~**;**

(d) A statement of the special education and related services and supplementary aids and services, **based on peer-reviewed research to the extent practicable,** to be provided to the child, or on behalf of the child, and a statement of the program modifications or support for school personnel that will be provided for the child:

(1) To advance appropriately toward attaining the annual goal;

(2) To be involved and **make** progress in the general **education** curriculum in accordance with §3011.1 of this Chapter and to participate in extracurricular and other nonacademic activities; and

(3) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this section~~.~~**;**

(e) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the ~~regular~~ **general education** class and in the activities described in § (d) of this subsection~~.~~**;**

(f) A statement of any individual ~~modification in the administration of District-wide assessments of achievement that are needed in order for the child to participate in the assessment~~. **appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments consistent with the guidelines established for alternate assessments;**
(g) If the IEP Team determines that the child ~~may not participate in all, or part of~~, **shall take an alternate assessment on** a particular District-wide assessment **of student achievement,** a statement by the team of:

(1) Why ~~the assessment, or part of the assessment is not appropriate for the child~~ **the child cannot participate in the regular assessment;** and

(2) How ~~the child will be assessed~~ **the particular alternate assessment selected is appropriate for the child;**

(h) The projected date for the beginning of the service and modifications described in §(d) of this section and the anticipated frequency, location, and duration of those services and modifications;

(i) A statement of how the child's progress toward the annual goals will be measured and how the child's parent will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled child's progress, of:

(1) The child's progress toward annual goals; and

(2) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

Amend Section 3009.3 as follows:

3009.3 The IEP for a child with a disability, beginning ~~at age fourteen, and younger if determined by the IEP team to be appropriate~~ **not later than the first IEP to be in effect when the child is sixteen (16)**, and updated annually **thereafter**, shall include ~~a statement of the transition services needs of the child under the applicable components of the IEP that focus on the child's course of study (such as participation in advanced placement courses or a vocational education program)~~ **appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and**

the transition services (including courses of study) needed to assist the child in reaching those goals.

Amend Section 3020.1 as follows:

3020.1 ~~The LEA shall provide a copy of the procedural safeguards to the parents of a child with a disability when the LEA:~~

~~(a) Receives the initial referral for an assessment;~~

~~(b) Conducts an evaluation;~~

~~(c) Provides the parents with notice of an IEP meeting;~~

~~(d) Conducts a reevaluation; and~~

~~(e) Receives a request for mediation or a due process hearing as described in this Chapter.~~

(a) Copy To Parents – A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents only one (1) time a year, except that a copy also shall also be given to the parents:

- **(i) upon initial referral or parental request for evaluation;**
- **(ii) upon the first occurrence of the filing of a complaint for a due process hearing as described in this Chapter; and**
- **(iii) upon a request by a parent.**

(b) Internet Website -- A local educational agency may place a current copy of the procedural safeguards notice on its Internet website.

Amend Section 3030.1 as follows:

3030.1 (a) Preliminary Matters: Prior to the opportunity for an impartial due process hearing, the LEA shall convene a Resolution Session with the parents and the relevant member(s) of the IEP Team who have specific knowledge of the facts identified in the complaint. The Resolution Session:

- **(i) shall convene within fifteen (15) days of receiving notice of the parents' complaint;**
- **(ii) shall include a representative of the agency who has decision making authority on behalf of such agency;**
- **(iii) may not include an attorney of the LEA unless the parent is accompanied by an attorney; and**
- **(iv) must provide the parents of the child an opportunity to discuss their complaint and the facts that form the basis of the complaint**

and the LEA an opportunity to resolve the complaint unless the parents and the LEA agree in writing to waive such session, or agree to use the mediation process.

(b) Relevant Team Members: The parents and the LEA shall determine the relevant members of the IEP Team to attend the meeting.

(c) Written Settlement Agreement.--In the case that a resolution is reached to resolve the complaint at a meeting described in section 3030.1(a), the parties shall execute a legally binding agreement that is—

(1) signed by both the parent and a representative of the agency who has the authority to bind such agency; and

(2) enforceable in any State court of competent jurisdiction or in a District Court of the United States.

(d) Review Period.--If the parties execute an agreement pursuant to Section 3030.1(b), either party may void such agreement within three (3) business days of the agreement's execution by written notice to the opposing party.

(e) Hearing: If the LEA has not resolved the complaint to the satisfaction of the parents within thirty (30) days of the receipt of the complaint, ~~T~~the SEA shall assign a qualified impartial hearing officer to conduct a due process hearing in accordance with the Act. An impartial hearing officer shall conduct a due process hearing and issue a written decision not later than ~~fortyfive days after the receipt of the request for a hearing~~ **forty-five (45) days after the expiration of the thirty (30) day resolution period.**

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

DEPARTMENT OF HEALTH

NOTICE OF FINAL 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 the adoption of the following amendments to Chapter 46 of Title 17 DCMR (Business, Occupations & Professions) (May 1990). The purpose of this rulemaking is to establish a physician profile that will be accessible to the public via the internet and will allow patients to be well-informed about a physician's credentials prior to selection of the physician as a healthcare provider. Notice of Proposed Rulemaking was published on October 7, 2005 at 52 DCR 8957. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

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.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

Application No. 17382 of the Sultanate of Oman, pursuant to 11 DCMR § 1002, to permit the expansion of a chancery for the Embassy of the Sultanate of Oman to house the Military Attache and the Cultural Attache, in the D/R-1-B and R-1-B Districts, at premises 2535 Belmont Road, N.W. (Square 2501, Lots 6-8, 15-19, and 805).

NOTICE OF FINAL RULEMAKING
and
DETERMINATION AND ORDER

The Board of Zoning Adjustment ("Board"), pursuant to the authority set forth in the Foreign Missions Act, approved August 24, 1982 (96 Stat. 283; D.C. Official Code § 6-1306), Chapter 10 of the Zoning Regulations of the District of Columbia, 11 DCMR, and § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of the adoption of its determination not to disapprove the application of the Sultanate of Oman ("Applicant") for the expansion of the Embassy of Oman's chancery at premises 2535 Belmont Road, N.W. (Square 2501, Lots 6-8, 15-19, and 805).

On June 14, 2005, the Applicant filed a chancery application with the Board. Pursuant to 11 DCMR § 3134.7, the application was accompanied by a letter from the United States Department of State certifying that the Applicant had complied with § 205 of the Foreign Missions Act ("FMA") (22 U.S.C. § 4305) and that the application could be submitted to the Board.

Notice of the filing of the application and notice of the proposed rulemaking were published in the *D.C. Register* on June 24, 2005 (52 DCR 6075 and 52 DCR 6216, respectively). In accordance with the Zoning Regulations, the Board provided written notice to the public more than 40 days in advance of the public hearing. 11 DCMR §§ 3113.13 and 3134.9(c). Therefore, in compliance with the D.C. Administrative Procedure Act (D.C. Official Code §§ 2-501, *et seq.*), the Board also provided more than thirty days' written notice to the public.

On June 15, 2005, the Office of Zoning ("OZ") provided notice of the filing of the application to the Director of the District of Columbia Historic Preservation Review Board, the State Historic Preservation Officer, the U.S. Department of State, the D.C. Council Member for Ward 2, Advisory Neighborhood Commission ("ANC") 2D, the ANC within which the subject property is located, the Single Member District member for District 2D01, and the District of Columbia Office of Planning ("OP"), who notified the District Department of Transportation ("DDOT"). The Office of Zoning subsequently scheduled a public hearing on the application for October 11, 2005, and mailed a copy of the notice of hearing to the Applicant, ANC 2D, and all property owners within 200 feet of the subject property. Notice of hearing was also published in the *D.C. Register* on July 22, 2005 (52 DCR 6823) and posted in the Office of Zoning. In addition, on September 22, 2005, the Applicant posted notice on the property in plain view of the public in accordance with 11 DCMR § 3113. The notice given to the public complied with the requirements of 11 DCMR § 3134.9.

The property that is the subject of the application is located at 2535 Belmont Road, N.W. in the Sheridan-Kalorama historic district. It is split-zoned, with the larger western portion in a D/R-1-B district and the smaller eastern portion in an R-1-B district. The property is improved with a three-story building originally constructed as a residence, but used as a chancery for many years. The property has been owned and occupied by the chancery of the Embassy of the Sultanate of Oman for over nineteen years, and before that was owned and occupied by the chancery of the Embassy of France. A second one-story building on the property was originally used as a squash court, but over the years, has been used for storage, office and/or residential uses.

The Applicant proposes to expand its chancery with a new three-story building, which will be connected to the existing building by a below grade multipurpose room, and an above-ground patio on the roof of the multi-purpose room. The roof/patio of the multipurpose room will be between the first floors of the existing and the new building and will be landscaped. The lot occupancy of the existing and new buildings will be 15%, and the rear yard, at 42 feet, and the side yard, at 55 feet from the new construction, are more than adequate. The Applicant proposes to provide thirty-four parking spaces on the subject property and four spaces along the street frontage of the chancery are designated for its use. An additional ten spaces can be made available on the property and/or are available with the use of valet parking. In total, the chancery will be able to provide 37% more parking than required and sufficient parking for the 30 employees who will be working on the property after the construction is completed.

Because of the split-zoning of the property, the Applicant has requested permission, pursuant to § 2514, to extend the application of the provisions of the D Overlay approximately 9 feet into the R-1-B district. Without the extension of the application of the D Overlay, the size of the Applicant's proposed chancery expansion would be reduced by 9 feet.

The record closed on October 11, 2005, at the conclusion of the public hearing on the application. A neighbor had submitted a request for postponement of the hearing, which was denied by the Board. The Department of State, the Office of Planning, and the District Department of Transportation all submitted favorable reports on the application. ANC 2D did not submit a report nor testify at the hearing with regard to the application.

At the conclusion of the October 11, 2005 public hearing, the Board voted not to disapprove the application for the following reasons:

First, as recommended by the Secretary of State and the Office of Planning, favorable action on the application will fulfill the international obligation of the United States to facilitate the acquisition of adequate and secure facilities by the Sultanate of Oman for its diplomatic mission in the Nation's Capital.

Second, although the Historic Preservation Office did not submit a report concerning the application, the Applicant has designed the new building in accordance with the District's Historic Preservation Design Guidelines to ensure its compatibility with the character of both the existing building, which will not be changed, and the surrounding historic district. The new

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building will substantially comply with District of Columbia and federal regulations governing historic preservation.

Third, the Applicant is providing adequate off-street parking and the Secretary of State has determined that there are no special security requirements relating to such parking.

Fourth, after consultation with federal agencies authorized to perform protective services, the Secretary of State has determined that the subject property and the area are capable of being adequately protected.

Fifth, the Director of the Office of Planning, on behalf of the Mayor of the District of Columbia, has determined that favorable action on this application is in the municipal interest and is generally consistent with the Comprehensive Plan for the National Capital and the Zoning Regulations.

Sixth, the Secretary of State has determined that a favorable decision on this application will serve the federal interest, particularly as the Government of the Sultanate of Oman has consistently been supportive of the United States Embassy in its diplomatic property needs.

Accordingly, it is hereby **ORDERED** that this application is **NOT DISAPPROVED.**

Vote of the Board of Zoning Adjustment constituted in accordance with the Foreign Missions Act taken at its public hearing on October 11, 2005, not to disapprove the application:

VOTE: **5-0-0** (Geoffrey H. Griffis, Patricia E. Gallagher, Ruthanne G. Miller, Curtis L. Etherly, Jr., and John G. Parsons, to not disapprove).

BY THE D.C. BOARD OF ZONING ADJUSTMENT
Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: NOV 2 3 2005

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN