

**DISTRICT OF COLUMBIA BOARD OF EDUCATION**  

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**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**  

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The Executive Director of the D.C. Board of Education, pursuant to the authority set forth in D.C. Code, 2001 edition, Sections 2-501, et seq., and 38-101, et seq., hereby gives notice of emergency and proposed rulemaking action taken by the Board at its July 21, 2004 Board meeting to amend Chapter 27 of the Board Rules, Title 5 of the D.C. Municipal Regulations, specifically §2701.3 as it relates to interscholastic athletic eligibility for special education students.

The emergency is necessitated by the need to promulgate policy for special education students receiving Level I through Level IV services by modifying 5 DCMR §2701.3(j) to include requirements for students receiving Level III and Level IV services. The emergency rulemaking took effect on July 21, 2004, following approval by the Board of Education. It shall expire within 120 days of its effective date or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first. The Board of Education also gives notice of its intent to recommend final rulemaking action to adopt this emergency and proposed rulemaking in not less than thirty (30) days from publication of this notice in the *D.C. Register*.

**Section 2701.3 is modified as follows:**

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- (j)
1. Students in grades nine (9) through twelve (12), in regular education and career development programs or in Level I and Level II programs of the continuum services available to special education students, shall have a grade point average of 2.0 ("C") as required by Chapter 22.
  2. Students in Level III and Level IV programs of the continuum of services available to special education students, who do not achieve the required 2.0 ("C") average each advisory may request a meeting of the Multidisciplinary Team (MDT) to review their services and determine whether there is justification for waiving the student's ineligibility. The MDT shall consider progress on the Individualized Educational Program (IEP) and attendance as factors for their consideration.

*Written comments on the proposed rulemaking are invited from interested citizens. Such comments should be addressed to Mr. Russell Smith, Executive Secretary, 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.*