

THE OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF EMERGENCY RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by sections 202 and 204 of the District of Columbia Procurement Practices Act of 1985, as amended, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §§2-302.02 and 2-302.04)(PPA), and Mayor's Order 2002-207, dated December 18, 2002, hereby gives notice of the adoption of the following emergency rules, amending Chapter 22 of Title 27 of the *District of Columbia Municipal Regulations (Contracts and Procurements)*. The rules will amend Chapter 22 of Title 27 *D.C. Municipal Regulations* to reflect changes necessary to implement the *Debarment Procedures Temporary Amendment Act of 2003*, D.C. Law 15-71, effective February 6, 2004 (Act).

A Notice of Emergency Rulemaking to amend chapter 22 was published in the *D.C. Register* on January 2, 2004 (51 DCR 102), and the emergency rules expired on April 14, 2004. A second Notice of Emergency Rulemaking to amend chapter 22 by adding a new section 2218.10 was published in the *D.C. Register* on January 30, 2004 (51 DCR 1281), and is superseded by these emergency rules. Further emergency rulemaking action is necessary to allow the Debarment and Suspension Panel (Panel) created by the Act to complete action on a pending request for reconsideration submitted by the parties in one of the debarment re-hearings mandated by the Act. Without these emergency rules, the Panel will not be able to conduct further proceedings on the pending request for reconsideration. The debarment or suspension re-hearings raise serious questions about the appropriateness of the District contracting with certain companies because of convictions or other improprieties in connection with the award or performance of District contracts, and the length of time for which a contractor should be debarred from District contracting. Adoption of emergency rules to establish these procedures to allow the Panel to conduct its required re-hearings is necessary for the immediate preservation of the public peace, health, safety, or welfare, in accordance with D.C. Official Code §2-505(c).

To ensure that amended chapter 22 will continue in effect, action was taken on April 15, 2004, to adopt the following rules on an emergency basis effective on that date. These rules will remain in effect for up to one hundred twenty (120) days from the date of adoption, unless superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

CHAPTER 22

CONTRACTORS

Chapter 22 is amended by adding a new section 2218 to read as follows:

2218 Debarment and Suspension Panel

- 2218.1 This section shall apply to any debarment or suspension that is required to be re-heard by the Debarment and Suspension Panel (Panel) in accordance with the *Debarment Procedures Temporary Amendment Act of 2003*, D.C. Law 15-71, effective February 6, 2004 (Act).
- 2218.2 For any debarment or suspension that the Panel re-hears, the Chief Procurement Officer (CPO) shall transmit to the Panel his prior debarment or suspension decision and any supporting documentation pertinent to his debarment or suspension proceeding.
- 2218.3 Upon receipt of the documentation specified in section 2218.2 from the CPO, the Chair of the Panel shall convene the Panel to conduct a re-hearing of the debarment or suspension in accordance with Title 27 *D.C. Municipal Regulations*, sections 2213 through 2217, except as provided in section 2218.4. The term "Director," as it appears in sections 2213 through 2217, shall mean the "Panel."
- 2218.4 For any debarment or suspension that the Panel re-hears, the period of time provided in section 2214.1(c) shall be shortened to fifteen (15) days after receipt of the notice.
- 2218.5 The Panel shall re-hear and decide, *de novo*, all debarments and suspensions required to be re-heard in accordance with this section and the Act.
- 2218.6 The attendance of at least five (5) members of the Panel shall constitute a quorum to re-hear a debarment or suspension.
- 2218.7 A majority vote of those present and voting shall be necessary and sufficient for any action taken by the Panel. Each Panel member in favor of the debarment or suspension decision of the Panel shall indicate his or her agreement with the decision by signing the decision.

2218.8 *Ex parte* communications, as defined in section 2299.1, shall be prohibited. Excluded from *ex parte* communications are those that:

- (a) are specifically authorized by law to be made on an *ex parte* basis;
- (b) relate to the Panel's administrative functions or procedures; or
- (c) are matters of public record.

A Panel member or staff member for the Panel who receives an *ex parte* communication prohibited by this section, shall immediately report its receipt to the Panel Chair and prepare a memorandum describing in detail the substance of the communication. The memorandum shall be placed in the debarment or suspension file, along with the actual communication if it is in written form. The Panel shall provide a copy of the memorandum to all parties.

2218.9 Panel members shall promptly advise the Chair of the Panel of any conflict of interest, or appearance thereof, relating to any debarment or suspension action under consideration by the Panel. Each member of the Panel shall disqualify himself or herself from acting on matters in which he or she has a conflict of interest, or the appearance thereof, in accordance with Chapter 18 of the District of Columbia Personnel Regulations.

2218.10 The Panel shall keep and maintain a case docket of current debarments or suspensions under the Panel's jurisdiction; copies of decisions and final orders of the Panel; and copies of the Panel's rules. The case docket, updated monthly, shall provide the names of the companies or individuals proposed for debarment or suspension, the case number, the date the Panel received the debarment or suspension, and the date of any scheduled hearing on the merits of the debarment or suspension. The case docket, copies of decisions, final orders, and rules shall be available for inspection by the public at the office of the Panel Chair.

Section 2299.1 is amended by adding the following definitions:

Debarment and Suspension Panel – the panel established by the *Debarment Procedures Temporary Amendment Act of 2003*, D.C. Law 15-71, effective February 6, 2004, consisting of the Chief Procurement Officer and a representative from the Office of the Chief Financial Officer, the Office of the Deputy Mayor for Planning and Economic Development, the Deputy Mayor for Operations, the Director of the Office of Labor Relations and Collective Bargaining, and from each agency which, in the judgment of the Mayor, would be directly and significantly affected by the proposed debarment.

***Ex parte* communications** – any oral or written communication with the Panel, which excludes one or more parties to the case, concerning the merits of the case pending before the Panel, made by any persons directly or indirectly involved in the outcome of the case.

**DISTRICT OF COLUMBIA
BOARD OF EDUCATION**

NOTICE OF EMERGENCY AND PROPOSED 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 emergency and proposed rulemaking action taken by the Board at its meeting on April 12, 2004. The purpose of this rulemaking is to modify the licensure requirements for principals, assistant principals and other school operating officers by eliminating the requirement that these officials hold a valid teaching or other baccalaureate level educational credential and by permitting the Superintendent to establish a passing rate for the relevant examination. Principals appointed prior to January 1, 2000 are exempted from the new requirements.

The emergency is necessitated by the expiration of the current regulations on July 1, 2004. The emergency rulemaking took effect following approval by the Board at its meeting of April 12, 2004. It shall expire within 120 days of April 12, 2004, or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first. The Board also gives notice of its intent to take final rulemaking action to adopt this emergency and proposed rulemaking in not less than thirty (30) days from the publication of this notice in the D.C. Register.

Section 1667 is revised as follows:**1667 ADMINISTRATIVE SERVICES CREDENTIALING**

- 1667.1 The Superintendent of the District of Columbia Public School System shall establish professional standards, assessments, and examinations for entry and advancement in the education profession. ~~including the eligibility requirements for appointment and promotion for all administrative and supervisory employees.~~
- 1667.2 ~~Commencing July 1, 2000, and in addition to the eligibility requirements in Section 1001.1, all Educational Service employees in grade ET 6-14 shall be required to meet the requirements of the Administrative Services credential as approved by the Superintendent as well as all applicable testing requirements, if any. The Superintendent shall develop rules, regulations or directives setting forth objective and verifiable standards for approval of college/university training programs leading to the Administrative Services Credential authorized by this section. Said Certification standards are set forth at § 1667.10~~

1667.23 The ~~minimum~~ requirements for the Administrative Services Credential are the following:

- a) ~~A valid teaching credential requiring the possession of a baccalaureate degree and a professional preparation program including student teaching; or a Service Provider credential in any one of the following: School Psychologist; School Librarian; School Social Worker; Speech and Language Pathologist; or Pupil Personnel Worker; and A master's degree from an accredited higher education institution; and~~
- b) Completion of a minimum of three years of successful, full-time classroom teaching experience in the public schools or private schools of equivalent status, or three years of experience in the fields of pupil personnel, health, clinical or rehabilitative services. Full-time service shall mean service for at least a minimum day for 75% of the days in the school year. Substitute or part-time service shall not apply; and
- c) Completion of a program of specialized and professional preparation in Administrative Services from an accredited institution of higher education which is approved by the Superintendent, or by the appropriate state agency in the state where the program was completed including a Masters Degree program of a minimum of thirty (30) semester units from an accredited institution of higher education; or a one-year Superintendent approved Administrative Services Internship consisting of supervised in-service training taken through an accredited District of Columbia college or university, to include a Masters Degree. The Superintendent shall adopt standards and criteria for the university/college programs of advanced preparation and nonuniversity/college activities.
- d) Commencing on July 1, 2000, ~~the Educational Credentialing and Standards Branch~~ the Office of Academic Credentials and Standards shall not issue initially an Administrative Service Credential to any person to serve in the public schools unless the person has completed the School Leaders Licensure Assessment (SSLA). Notwithstanding this section, commencing on July 1, 2000 and ending on June 30th 2004, the Superintendent may issue a provisional Administrative Services Credential, for a period not to exceed two years to any applicant qualifying under paragraphs (a),(b) and (c) above, pending completion of the School Leaders Licensure Assessment (SSLA) during said two year nonrenewable provisional period.

- e) Effective July 1, 2004, the Superintendent may adopt a passage rate for the School Leaders Licensure Assessment (SSLA) that the Superintendent determines will sufficiently assess administrative skills for purposes of this section.
- f)e) The term of the Administrative Services Credential shall not exceed five calendar years from the date of issuance. The Administrative Services Credential is renewable upon completion of 200 clock hours of professional growth activities and services that contribute to his or her performance and effectiveness as specified by the Superintendent, and as outlined in the Administrative Services Professional Growth Manual. ~~The basic prerequisite credential must be valid during the term of the Administrative Services Credential.~~
- g)f) ~~Out of District applicants prepared at an accredited college or university outside of the District of Columbia who have completed an approved program in school administrative services encompassing at least one year of postgraduate preparation, including field work in a school setting, may apply directly to the Educational Credentialing and Standards Branch for the Administrative Services Credential, if the program is approved by the state certification agency in the state where it was completed and the requirements of (a), (b), and (c) above have been met. Applicants who have completed a state-approved~~ administrative services preparation program from an accredited educational institution outside of the District of Columbia, hold a valid administrative services license from another state, and have not taken the School Leaders Licensure Assessment (SSLA), shall be eligible for a two year, non-renewable Provisional Administrative Services Credential, provided they satisfy the requirements of subsections (a), (b) and (c) above.
- h)g) Notwithstanding this section, persons performing administrative assignments at the principal, supervisory or other level, prior to January 1, 2000, may continue to perform those services without complying with any additional requirements, that may be added by the amendments adding § 1667.1, § 1667.2, § 1667.3.

1667.34 ~~The Administrative Services Credential authorizes the holder to serve as an Assistant Superintendent, Principal, Assistant Principal, Director, Supervisor, Coordinator, or in an equivalent or intermediate level administrative position. a Principal, Assistant Principal, Director, or other school operating officer, provided, however that commencing July 1, 2004, and in addition to the eligibility requirements in Section §1001.1, all persons serving in the capacity of Principal, Assistant Principal, Director or other school operating officer shall be required to meet the requirements of the Administrative Services credential as approved by the Superintendent as well as all applicable testing requirements, if any. The Superintendent shall develop rules, regulations or directives setting forth objective and verifiable standards for approval of college/university training programs leading to the Administrative Services Credential authorized by this section and subsection 1667.5 below.~~

1667.5—1667.10 [Reserved]

1667.410 Administrative Services Credential Program Standards

~~Completion of an approved Master's or Doctoral degree in educational administration/leadership from a state approved or regionally/nationally accredited college/university. The~~ An approved program should include the following competencies and skills:

- (a) Knowledge and understanding of student growth and development to include:
 - (1) Applied learning and motivational theories;
 - (2) Curriculum design, implementation, evaluation, and refinement for varied teaching and learning styles and specific student needs;
 - (3) Principles of effective instruction, measurement, evaluation and assessment strategies;
 - (4) Development of a learning organization that supports instructional improvement and incorporates best practices;
 - (5) Role of technology in promoting student learning; and
 - (6) Student diversity and its meaning for educational programs.

- (b) Knowledge and understanding of organizational systems to include:
 - (1) Systems theory and the change process for systems, organizations, and individuals;
 - (2) Principles of developing and implementing strategic plans;
 - (3) Information sources, data collection, and data analysis; and
 - (4) Effective consensus-building and negotiation skills.

- (c) Knowledge and understanding of theories and models of organizations and the principles of organizational development to include:
- (1) Operational procedures at the school and the district level;
 - (2) Principles and issues relating to schools, safety and security;
 - (3) Human resources management and development;
 - (4) Principles and issues relating to fiscal operations of school management;
 - (5) Principles and issues relating to school facilities and use of space;
 - (6) Legal issues impacting school operations; and
 - (7) Technologies that support management functions.
- (d) Knowledge and understanding of the dynamics of a diverse school community to include:
- (1) Emerging issues and trends that potentially impact the school community;
 - (2) Community relations and marketing strategies and process; and
 - (3) Models of school, family, business, community, government, and higher education partnerships.
- (e) Knowledge and understanding of the historical and contemporary issues in education to include:
- (1) Philosophy and history of education;
 - (2) Purpose of education and the role of leadership;
 - (3) Role of public education in developing and renewing a democratic society and an economically productive nation;
 - (4) The law as related to education and schooling; and
 - (5) The political, social, cultural, and economic system and processes that impact schools.
- (f) Knowledge and understanding of professional and administrative leadership to include:
- (1) Adult learning and professional development models;
 - (2) Applied learning and motivational theories;
 - (3) Learning goals in a pluralistic society;
 - (4) The role of leadership in modern society; and
 - (5) Professional code of ethics.
- ~~g) Completion of the School Leaders Licensure Assessment (SSLA) administered by Educational Testing Service.~~

- ~~h) — A minimum of three (3) years of successful experience in the field of education to include teaching, administrative/supervisory, and/or pupil personnel services in an accredited nonpublic or public school.~~

Written comments on the emergency and 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.