OFFICE OF THE ATTORNEY GENERAL

NOTICE OF PROPOSED RULEMAKING

The Acting Attorney General for the District of Columbia, pursuant to section 27c(a)(7)(B), (c), and (i) of the District of Columbia Child Support Enforcement Amendment Act of 1985 (Act), effective April 3, 2001 (D.C. Law 13-269; D.C. Official Code § 46-226.03), hereby gives notice of his intent to adopt the following new Chapter 81 of Title 29 of the District of Columbia Municipal Regulations (DCMR), entitled "Child Support Administrative Financial Institution Data Match". The proposed rulemaking will implement the authority of the Office of the Attorney General under section 27c of the Act to enforce child support orders by attaching and seizing assets owned by obligors and held in financial institutions without obtaining a court order.

The Acting Attorney General also hereby gives notice of his intent to take final rulemaking action to adopt the proposed rulemaking in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 29, DCMR (Public Welfare) is amended by adding the following new Chapter 81 to read as follows:

CHAPTER 81

CHILD SUPPORT ADMINISTRATIVE FINANCIAL INSTITUTION DATA MATCH

Secs.

8101	Scope
8102	Identification of Funds Subject to Attachment
8103	Attachment and Seizure of Funds
8104	Administrative Hearing
8105	Financial Institutions
8106	Appeal Procedure
8107	Confidentiality
8199	Definitions

8101 SCOPE

8101.1 The purpose of this chapter is to implement the Child Support Administrative Financial Institution Data Match Program to enforce child support orders by attaching and seizing funds owned by obligors and held in financial institutions.

8101.2 The Child Support Services Division (CSSD) of the Office of the Attorney General (OAG) shall be responsible for the implementation of this chapter, which

shall apply to all obligors and financial institutions.

8102 IDENTIFICATION OF FUNDS SUBJECT TO ATTACHMENT

8102.1 CSSD shall submit DCCSES files to the Federal Parent Locator Service (FPLS) operated by the Federal Office of Child Support Enforcement to identify obligors with funds in financial institutions that meet the criteria for attachment in § 8103.1. The FPLS maintains data on funds held in multi-state financial institutions for the purpose of identifying funds owned by obligors with unpaid child support obligations.

8102.2 Based on individual agreements with single-state financial institutions located in the District of Columbia, CSSD will work to identify obligors with funds in financial institutions that meet the criteria for attachment in 8103.1.

8103 ATTACHMENT AND SEIZURE OF FUNDS

8103.1 Funds in a financial institution shall be subject to attachment when:

(a) The case is an active case and

(1) The current support obligation is thirty (30) days past due; or

(2) A judgment support obligation is sixty (60) days past due; or

(b) The case is an arrears-only case and the total amount of arrears is greater than or equal to five hundred dollars ($500).

8103.2 If a data match establishes that an obligor has funds in a financial institution and these funds are subject to attachment under § 8103.1, CSSD shall:

(a) Serve a Writ of Attachment on the financial institution directing attachment of the amount owed for child support; and

(b) Send written notice of the Writ of Attachment and impending seizure of funds to the obligor and any joint account holder by first class mail to the last known address of the obligor or joint account holder . This notice shall advise the obligor and joint account holder of his or her right to request an agency review pursuant to § 8103.4.

8103.3 Upon receipt of the Writ of Attachment, the financial institution shall freeze the funds in the obligor's accounts up to the amount stated in the Writ.

8103.4 An obligor whose funds are subject to a Writ of Attachment may request an agency review within fifteen (15) calendar days from the date of the notice of the

Writ of Attachment described in § 8103.2(b). The obligor may request the agency review by advising CSSD of his or her objections to the Writ of Attachment by phone or in person at CSSD. A joint owner of the attached funds may also request an agency review within fifteen (15) calendar days after the date of the notice of the Writ of Attachment.

8103.5 Grounds for contesting the Writ of Attachment include:

(a) Notice was issued to the wrong person;

(b) Arrears are incorrect because of a failure to account for all child support payments, an incorrect computation of the balance due, or a failure to give effect to a prior suspension or modification of the support obligation; or

(c) Any affirmative defense to enforcement of this money judgment authorized by applicable law.

8103.6 Upon receipt of a request for an agency review from an obligor or a joint account holder, CSSD shall review the case and respond to the obligor or joint account holder in writing within ten (10) calendar days. CSSD shall either:

(a) Withdraw the Writ of Attachment; or

(b) Advise the obligor or joint account holder of CSSD's intent to move forward with seizure of funds.

8103.7 Funds in a financial institution shall be subject to seizure when:

(a) The obligor's pay is not currently being withheld and the amount of the funds in the obligor's accounts is greater than or equal to two (2) months of current support; or

(b) The obligor's pay is being withheld and

(1) The total amount of the arrears is greater than or equal to five thousand dollars ($5,000); and

(2) The amount of funds in the obligor's accounts is greater than or equal to two thousand five hundred dollars ($2,500).

8103.8 CSSD shall seize the funds in the obligor's accounts that are subject to the Writ of Attachment by issuing an Order of Condemnation to the financial institution. If CSSD determines that funds subject to the Writ of Attachment are not subject to seizure under § 8103.7, CSSD shall withdraw the Writ.

8103.9 Upon a determination that seizure is appropriate; CSSD shall issue the Order of Condemnation to the financial institution and send a copy of the Order of Condemnation to the obligor and joint account holder along with instructions on how he or she can appeal the issuance of the Order of Condemnation to the Office of Administrative Hearings.

8103.10 CSSD shall send the Order of Condemnation to the financial institution, the obligor, and any joint account holder within thirty (30) calendar days of receipt of the financial institution's response to the Writ of Attachment, or if agency review had been requested, within two (2) calendar days of completion of the review.

8104 ADMINISTRATIVE HEARING

8104.1 Regardless of whether the obligor or joint account holder has sought an agency review of the Writ of Attachment, the obligor or joint account holder may object to the seizure of the funds by requesting an administrative hearing from the Office of Administrative Hearings (OAH). Grounds for requesting an administrative hearing shall be the same as the grounds for contesting the Writ of Attachment under § 8103.5.

8104.2 CSSD shall provide the obligor and joint account holder, if applicable, with notice of his or her right to an administrative hearing when CSSD sends the obligor and joint account holder a copy of the Order of Condemnation.

8104.3 The obligor or joint account holder shall request the administrative hearing in writing and send the written request by mail, by fax, or in person to OAH within thirty (30) calendar days after the date of the Order of Condemnation sent to the obligor or joint account holder.

8104.4 If the obligor or joint account holder does not request an administrative hearing from OAH, CSSD shall distribute the funds seized from the financial institution to the obligee at the conclusion of the thirty (30) calendar day period for requesting a hearing. If the obligor requests an administrative hearing, CSSD shall retain the funds seized until a decision is rendered by the hearing officer. CSSD shall then either distribute the funds seized to the obligor and joint account holder or the obligee as required by the decision.

8105 FINANCIAL INSTITUTIONS

8105.1 Upon receipt of the Writ of Attachment, the financial institution shall freeze the funds in the obligor's accounts up to the amount stated in the Writ.

8105.2 The financial institution shall respond to the Writ of Attachment in writing within ten (10) calendar days of receipt. The response to the Writ of Attachment shall include the following:

(a) The amount of funds in each of the obligor's accounts; and

(b) The name and last known address of any joint account holder.

8105.3 Upon receipt of the Order of Condemnation, the financial institution shall send the funds to CSSD's D.C. Child Support Clearinghouse within ten (10) business days.

8106 APPEAL PROCEDURE

8106.1 The obligor or joint account holder may seek judicial review of the administrative hearing decision at the D.C. Court of Appeals in accordance with section 11 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

8106.2 If Court of Appeals affirms the respondent's objections to the seizure, CSSD shall credit the obligor's child support obligation for the amount that was distributed, or send payment to the obligor as required by the Court's order.

8107 CONFIDENTIALITY

8107.1 CSSD shall maintain the confidentiality of information and records concerning an obligor's or joint account holder's financial information and shall only release information or records as permitted by applicable provisions of District or federal law.

8199 DEFINITIONS

8199.1 The following terms and phrases shall have the meanings ascribed:

Account – a demand deposit account, checking or negotiable withdrawal order account, savings account, time deposit account, or money-market mutual fund account held in any financial institution.

Active Case – a case in which a current support order exists requiring the obligor to make periodic payments on behalf of his or her minor child.

Arrears – past due current child support payments.

Arrears Only Case – a case without a current support order in which arrears are owed.

Current support – amount of ongoing payments owed for a minor child under a support order.

Data match – the process of identifying assets held in financial institutions by obligors who owe child support.

DCCSES – the District of Columbia Child Support Enforcement System, the computer system used by CSSD to manage and enforce child support cases.

Federal Parent Locator Service or FPLS – the national system for locating custodial and non-custodial parents operated by the federal Office of Child Support Enforcement. The FPLS includes the database of Administrative Financial Institution Data Match.

Financial institution – a depository institution, institution-affiliated party, any Federal or State credit union, any benefit association, insurance company, safe deposit company, money-market mutual fund, or similar entity.

Freeze – to retain an obligor's assets at the financial institution without allowing the obligor access to the assets.

Funds – monetary assets.

Judgment support -- a court ordered amount that reflects a set period in the past during which child support should have been paid.

Obligee – the person or entity to whom child support is owed.

Obligor – a person who is required pursuant to a court or administrative order to pay child support.

Wage withholding – the direct retention of ongoing support payments from the wages or earnings of an obligor ordered to pay support.

Writ of Attachment -- legal document that enforces a debt incurred by an obligor by freezing funds at a financial institution.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Hillary Hoffman-Peak, Assistant Attorney General, Office of the Attorney General, Child Support Services Division, 441 4th Street N.W., Washington, DC 20001. Copies of these proposed rules may be obtained without charge at this address.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in section 402 of the Assisted Living Residence Regulatory Act of 2000, effective June 24, 2000 (D.C. Law 13-127, D.C. Official Code § 44-104.02), Mayor's Order 2005-137, dated September 27, 2005, section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42, D.C. Official Code § 2-1801.04), Mayor's Order 99-68, dated April 28, 1999, and Reorganization Plan No. 4 of 1996., hereby gives notice of the intent to adopt the following amendments to Chapter 36 (Civil Infractions) of Title 16 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 and upon completion of the sixty (60) day Council period of review if the Council does not act earlier to adopt a resolution approving the rules. The amendments prescribe civil infraction fines for violations of the law governing the licensing and operating standards of assisted living facilities.

Chapter 36 (Civil Infractions) of Title 16 DCMR is amended by adding a new section 3663 to read as follows:

3663 LICENSING OF ASSISTED LIVING FACILITIES

3663.1 Violation of any of the following provisions shall be a Class 1 infraction:

(a) D.C. Official Code § 44-103.01 (operating an assisted living facility without a license);

(b) D.C. Official Code § 44-103.07(b) (describing, marketing or offering a business as an assisted living facility without having obtained a license);

(c) D.C. Official Code § 44-105.09(a) (failure to develop and implement policies and procedures on abuse, neglect and exploitation of residents);

(d) D.C. Official Code § 44-105.09(b)(1) and (b)(2) (failure to report abuse of a resident);

(e) D.C. Official Code § 44-105.09(b)(3) (failure to thoroughly investigate an allegation of abuse, neglect or exploitation against a resident; failure to take preventive action; failure to report results of investigation);

(f) D.C. Official Code § 44-106.01(a) (accepting a resident for whom the facility cannot provide appropriate services or failure to make or allow arrangements with a third party to provide appropriate services);

(g) D.C. Official Code § 44-106.01(b) (failure to determine that a resident is appropriate for admission and that the resident's needs can be met in addition to the needs of other residents);

(h) D.C. Official Code § 44-106.01(c) (admitting an individual who is younger than eighteen (18) years of age);

(i) D.C. Official Code § 44-106.01(d)(1) (admitting an individual who upon admission is dangerous to him or herself or others);

(j) D.C. Official Code § 44-106.01(d)(2) (admitting an individual who is at high risk for health or safety complications and who requires more than thirty-five (35) hours per week of skilled nursing and home care services combined);

(k) D.C. Official Code § 44-106.01(e) (admitting an individual who requires more than intermittent skilled nursing care, treatment of stage three (3) or four ulcers, ventilator services or treatment for an active, infectious and reportable disease or condition that requires more than contact isolation);

(l) D.C. Official Code § 44-106.02 (failure to provide a written contract to the resident that the resident or representative signs prior to admission);

(m) D.C. Official Code § 44-106.04(a) (failure to develop an Individualized Service Plan (ISP) for a resident prior to admission);

(n) D.C. Official Code § 44-106.04(e) (failure to appropriately transfer resident when appropriate services cannot be provided);

(o) D.C. Official Code § 44-106.07 (failure to provide twenty-four (24) hour supervision, three (3) nutritious meals per day, fresh and seasonal foods assistance with Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL), laundry and housekeeping services, access to appropriate health and social services and transportation or arrangement for transportation to community-based services);

(p) D.C. Official Code § 44-106.08(e) (failure to comply with provisions on discharge);

(q) D.C. Official Code § 44-107.01(a) (failure to have the assisted living residence supervised by an assisted living administrator who is responsible for all personnel and services);

(r) D.C. Official Code § 44-107.01(b) (failure of the assisted living administrator to ensure that each resident has access to appropriate medical, rehabilitation, psychosocial services, oversight and monitoring);

(s) D.C. Official Code § 44-108.01 (failure to complete a resident assessment that will be the basis of the resident's service plan);

(t) D.C. Official Code § 44-108.02(a) (failure to complete a medical, rehabilitation and psychosocial assessment within thirty (30) days prior to admission);

(u) D.C. Official Code § 44-108.02(c) (failure to obtain the appropriate examination from the resident's primary health practitioner within thirty (30) days prior to admission); and

(v) D.C. Official Code § 44-108.04 (for individuals who will be admitted for no longer than thirty (30) days, failure to obtain an analysis of the resident's physical condition, medical status and functional assessment and as well as a resident agreement).

3663.2 Violation of any of the following provisions shall be a Class 2 infraction:

(a) D.C. Official Code § 44-103.02 (failure to comply with initial license and application requirements);

(b) D.C. Official Code § 44-103.04 (failure to comply with license and application requirements for license renewals);

(c) D.C. Official Code § 44-103.07 (using the word "hospital", "nursing", "sanitorium", "convalescent", "rehabilitative", "subacute" or "hospice" in the facility's title);

(d) D.C. Official Code § 44-105.01 (failure to care for residents in a manner and in an environment that promotes maintenance and enhancement of the residents' quality of life and independence by providing or arranging for twenty-four (24) hour supervision and assistance in activities of daily living);

(e) D.C. Official Code § 44-105.02 (failure to comply with requirements on self-determination, choice, independence, participation and privacy);

(f) D.C. Official Code § 44-105.03 (failure to comply with requirements on residents' dignity);

(g) D.C. Official Code § 44-105.04 (failure to comply with requirements on accommodation of needs);

(h) D.C. Official Code § 44-105.05 (failure to comply with requirements on representation and resolution of grievances and complaints);

(i) D.C. Official Code § 44-105.06 (failure to comply with requirements on privacy and confidentiality);

(j) D.C. Official Code § 44-105.07 (failure to disclose fair and reasonable contract terms and billing practices);

(k) D.C. Official Code § 44-105.08 (failure to post and distribute notice of residents' rights);

(l) D.C. Official Code § 44-105.09(c) (failure to post policies and procedures on prohibiting abuse, neglect and exploitation of residents);

(m) D.C. Official Code § 44-106.01(f) (failure to maintain records on denial of admissions);

(n) D.C. Official Code § 44-106.01(g) (automatically excluding from admission a person with primary or secondary metal health issues);

(o) D.C. Official Code § 44-106.04(b) (failure to require items in the ISP);

(p) D.C. Official Code § 44-106.04(c) (failure to confer with resident or surrogate during the ISP development process);

(q) D.C. Official Code § 44-106.04(d) (failure to timely and appropriately review and update ISP);

(r) D.C. Official Code § 44-106.05 (failure to comply with requirements on shared responsibility agreements);

(s) D.C. Official Code § 44-106.06 (failure to comply with requirements on residents' records);

(t) D.C. Official Code § 44-106.08(b) (failure to give appropriate timely notice when there is an immediate transfer of a resident);

(u) D.C. Official Code § 44-106.08(c) (failure to renegotiate an ISP after a resident has been immediately transferred);

(v) D.C. Official Code § 44-106.08(d) (failure to give appropriate and timely notice of discharge);

(w) D.C. Official Code § 44-107.01(c) (failure of ALA to be at least twenty-one (21) years of age);

(x) D.C. Official Code § 44-107.01(c)(2) (failure of ALA to have requisite education and experience);

(y) D.C. Official Code § 44-107.01(c)(3) (failure of ALA to have requisite satisfactory knowledge);.

(z) D.C. Official Code § 44-107.01(d) (failure to employ staff and develop a staffing plan to assure the safety and proper care of residents);

(aa) D.C. Official Code § 44-107.01(e) (failure of newly hired staff to document their communicable disease status);

(bb) D.C. Official Code § 44-107.01(f) (failure of employee to document annual freedom from tuberculosis in a communicable form);

(cc) D.C. Official Code § 44-107.01(g) (failure of staff to have requisite qualifications and experience);

(dd) D.C. Official Code § 44-107.01(h) (allowing an employee who has not completed training to work unsupervised by a trained person);

(ee) D.C. Official Code § 44-107.02 (failure to comply with requirements on staff training);

(ff) D.C. Official Code § 44-108.05 (failure to comply with requirements on emergency placements);

(gg) D.C. Official Code § 44-109.01 (failure to comply with requirements on medication management);

(hh) D.C. Official Code § 44-109.02 (failure to comply with requirements on medication management assessments);

(ii) D.C. Official Code § 44-109.03 (failure to comply with requirements on on-site medication review);

(jj) D.C. Official Code § 44-109.05 (failure to comply with requirements on medication administration);

(kk) D.C. Official Code § 44-110.01 (failure to comply with other applicable laws, regulations and codes);

(ll) D.C. Official Code § 44-110.02 (failure to comply with fire safety requirements);

(mm) D.C. Official Code § 44-110.03 (failure to comply with requirements on the building exterior);

(nn) D.C. Official Code § 44-110.04 (failure to comply with requirements on the building interior);

(oo) D.C. Official Code § 44-110.05 (failure to comply with requirements on accessibility);

(pp) D.C. Official Code § 44-110.10 (failure to comply with requirements on laundry);

(qq) D.C. Official Code § 44-110.11 (failure to comply with requirements for seventeen (17) beds or more); and

(rr) D.C. Official Code § 44-111.01 (failure to comply with requirements on insurance).

3663.3 Violation of any of the following provisions shall be a Class 3 infraction:

(a) D.C. Official Code § 44-103.05(b) (failure to timely submit a written request for a change in the license or to pay the license fee);

(b) D.C. Official Code § 44-103.05(c) (failure to notify residents of a request for change in licensure);

(c) D.C. Official Code § 44-106.03 (failure to comply with requirements on financial agreements);

(d) D.C. Official Code § 44-108.02 (failure to maintain information on a resident's defining care needs and psychosocial and cognitive status);

(e) D.C. Official Code § 44-108.01(c)(1) (failure to include a medical history with a resident's recent evaluation);

(f) D.C. Official Code § 44-108.03 (failure to comply with requirements on functional assessments);

(g) D.C. Official Code § 44-109.04 (failure to comply with requirements on medication storage);

(h) D.C. Official Code § 44-109.07 (failure to comply with requirements on medication control);

(i) D.C. Official Code § 44-110.06 (failure to comply with requirements on bathrooms);

(j) D.C. Official Code § 44-110.07 (failure to comply with requirements on heat, light and ventilation);

(k) D.C. Official Code § 44-110.08 (failure to comply with requirements on bedrooms); and

(l) D.C. Official Code § 44-110.09 (failure to comply with kitchen requirements).

Comments on this proposed rulemaking should be submitted, in writing, to Feseha Woldu, Ph.D., Senior Deputy Director, Health Regulation and Licensing Administration, Department of Health, at 717 14th Street, Suite 600, Washington, DC. 20005, within thirty (30) days of the date of publication of this notice in the D.C. Register. Additional copies of this rulemaking are available from the above address.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176) and amended by the Public Education Reform Amendment Act of 2007, (D.C. Law 17-9), D.C. Official Code § 38-2602(b)(11)) (2008 Supp), hereby gives notice of her intent to adopt this proposed rulemaking to amend Chapter 16 of Title 5 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 proposed amendments to Section 1601, entitled "Professional Education Requirements," establish credentials that will be required of candidates seeking to qualify for a position as a teacher in the District of Columbia Public Schools system. The amendment to Section 1601 also provides the State Superintendent with discretion to develop an Advanced Teaching Credential which would require a candidate to demonstrate effectiveness to maintain the Credential and continue teaching in a District of Columbia Public School.

Corresponding to the amendments being proposed for Section 5-1601, the State Superintendent of Education is also proposing revisions to Section 5-1687, entitled "License Denial, Suspension or Revocation," to substitute the title "State Superintendent of Education" for "Superintendent" found throughout this Section with regard to the process and procedures related to license denial, suspension ,or revocation under this chapter. Additionally, sections and subsection within Title 5 that are superceded by these amendments are deleted.

Section 1601 of Title 5 of the DCMR is amended to read as follows:

1601 TEACHING CREDENTIAL

1601.1 An individual must have a Teaching Credential to serve as a teacher in the District of Columbia Public Schools.

1601.2 The Office of the State Superintendent of Education (OSSE) shall issue a Teaching Credential in accordance with the provisions of this section.

1601.3 Regular I Teaching Credential. To qualify for a Regular I Teaching Credential, the candidate must:

(a) Have earned a bachelor's degree from an accredited institution of higher education;

(b) Be enrolled in a preparation program in the District of Columbia for practicing teachers approved by the OSSE, or in a program approved by another state and recognized by the OSSE in accordance with subsection 1601.8 of this chapter;

(c) Have successfully completed the Praxis I examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education or met an equivalency score determined by the State Superintendent of Education on the SAT, ACT, or Graduate Record Examination (GRE);

(d) Have successfully completed the Praxis II Content examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education, in the content area in which the candidate will practice; and

(e) Be employed by a local education agency in the District of Columbia.

1601.4 Regular I Teaching Credential Upgrade. Candidates who hold a Regular I Teaching Credential shall receive an upgrade to a two-year Regular II Teaching Credential if the candidate successfully completes a state-approved preparation program for practicing teachers in which he or she was enrolled and where applicable, the Praxis II, Pedagogy examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education.

1601.5 Regular II Teaching Credential. To qualify for a Regular II Teaching Credential, a candidate must:

(a) Have earned a bachelor's degree from an accredited institution of higher education;

(b) Have successfully completed a preparation program for teachers approved by the OSSE in accordance with subsection 1601.10 of this chapter or by another state and recognized by the OSSE;

(c) Have successfully completed the Praxis I, Pre Professional Skills Test or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education or met an equivalency score determined by the State Superintendent of Education on the SAT, ACT or GRE; and

(d) Have where applicable, successfully completed the appropriate Praxis II Content and Pedagogy examinations, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education.

1601.6 Transitional Teaching Credential. At the written request of a local education agency (LEA) located in the District of Columbia, the State Superintendent of Education may issue a one-year non-renewable Transitional Teaching Credential to a candidate if the candidate was never employed as a teacher by the District of Columbia Public Schools and has earned a bachelor's degree from an accredited institution of higher education and either the candidate's academic major qualifies the individual to teach in the content area in which the teacher shall practice, or the candidate completed a state-approved teacher preparation program. This Transitional Teaching Credential also includes qualifying candidates who hold a valid teaching license from another state or jurisdiction within the United States of America, and have not taken the examinations required for a Regular II Teaching Credential.

1601.7 The terms and renewal requirements for teaching credential shall be as follows:

(a) The term of the Regular I Teaching Credential shall be two calendar years from the date of issuance, unless a shorter term is prescribed by the State Superintendent of Education. The Regular I Teaching Credentials is not renewable.

(b) The term of the Regular II Teaching Credential shall be four calendar years from the date of issuance, unless a shorter term is prescribed by the State Superintendent of Education, and in the case of a Regular II Teaching Credential upgraded from a Regular I Teaching Credential, in accordance with the requirements of subsection 1601.4, for a term of two calendar years.

(c) The Regular II Teaching Credential is renewable upon completion of six semester hours of coursework from an accredited institution of higher education; or 90 clock hours documenting professional development activities; or a combination thereof, one semester hour being equivalent to 15 clock hours, that contribute to performance and effectiveness as a teacher, as determined by the State Superintendent of Education.

(d) The Regular II License will become non renewable upon development and promulgation of final regulations for an Advanced Teaching Credential described in subsection 1601.9..

(e) The Transitional Teaching Credential is non renewable.

1601.8 All Teaching Credentials current as of the effective date of final adoption of this regulation shall remain in effect until the expiration date for each license.

1601. 9. The Advanced Teaching Credential. The State Superintendent of Education shall consider the development and promulgation of further regulations creating a new Advanced Teaching Credential that would require a candidate to demonstrate effectiveness to continue teaching in a District of Columbia Public School.

1601.10 The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable standards for the approval, renewal, and revocation of approval by the OSSE of teacher preparation and practicing teacher programs in the District of Columbia that qualify candidates to earn a Regular Teaching Credential pursuant to subsections 1601.3, 1601.4 or 1601.5 of this chapter and for purposes of interstate reciprocity. Only programs sponsored by an accredited institution of higher education, a non-profit organization, or LEA may be considered for approval pursuant to this subsection by the OSSE. Any approval granted by the OSSE pursuant to this subsection, shall specify the objective and verifiable standards that must be successfully completed to qualify a candidate for the Regular Teaching Credential pursuant to subsections 1601.3, 1601.4 or 1601.5 of this chapter. Any such programs in existence as of the date of the final approval of this regulation, shall maintain their qualified status pursuant to this subsection, for the duration of the term of their current approval as a qualified program. Programs approved by other states and recognized by the OSSE may also qualify candidates to earn a Regular II Teaching Credential.

1601.11 Each candidate for a Teaching Credential shall be required to undergo a criminal history record check prior to receiving the Credential, and may be required to submit to additional checks for purposes of renewing or continuing to hold the credential. The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable criteria for the review of such records. Only criminal convictions and pending charges shall be taken into account with regard to criminal background information in determining whether or not an individual is qualified to hold the credential.

1601.12 To receive certification or endorsement in the individual subject matter areas enumerated in Sections 1602 through Section 1665 of this chapter, a candidate must either:

(a) Have successfully completed the Praxis II Content, examination where applicable, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education; or

(b) Have met the requirements for that subject matter area in Sections 1602 through Section 1665 of this chapter; or

(c) Have an academic major or major equivalent of thirty semester hours of course work from an accredited institution of higher education in a given subject matter; except that this subsection shall not apply to licenses requiring advanced degrees in Sections 1634; 1656; 1657; 1658; 1659; 1660; 1662; and Section1663 of this chapter.

1601.13 [RESERVED]

1601.14 Interstate Agreement on Qualification of Educational Personnel. At the direction of the State Superintendent of Education, periodic reviews shall be conducted to determine whether any state has established teacher and administrator preparation standards that are at least comparable and equivalent to teacher preparation standards in the District of Columbia;

(a) When the State Superintendent of Education determines that the teacher preparation standards established by any state are at least comparable and equivalent to teacher and administrator preparation standards in the District of Columbia, the State Superintendent of Education shall initiate negotiations with that state to provide reciprocity in teacher credentialing;

(b) The State Superintendent of Education shall award a credential to any applicant who holds or qualifies for an equivalent credential awarded by a state that has established a reciprocity agreement with the District of Columbia pursuant to subsection (a);

(c) The State Superintendent of Education shall grant an appropriate credential to any applicant from another state that has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in the District of Columbia, as determined by the OSSE, if both of the following circumstances exist:

(1) A reciprocity agreement with the other states is pending completion, or the other state has declined to enter into a reciprocity agreement with the District of Columbia;

(2) The applicant has met the requirements of the District of Columbia for obtaining a certificate of eligibility in accordance with this Section; and

(d) No reciprocity agreement establishment pursuant to subsection 1601.14 (b) shall exempt an out-of-state applicant from being required to submit to, and or comply with a criminal history record check, in conjunction with obtaining a license under this chapter.

1601.15 The procedures for entering and executing "Interstate Agreements" shall be established by the State Superintendent of Education, or his or her designee.

Section 1687 of Title 5 of the DCMR is amended to read as follows:

1687 LICENSE DENIAL, SUSPENSION OR REVOCATION

1687.1 A license issued pursuant to this chapter may be denied, or suspended for a period determined by the State Superintendent of Education or revoked by the State Superintendent of Education if the license holder has:

(a) Fraudulently or deceptively obtained, or attempted to obtain the license;

(b) Pled guilty or nolo contendere with respect to, or received probation before judgment with respect to, or been convicted of one of the following crimes or been held liable in a private cause of action based upon the following:

(1) Murder;

(2) Child abuse;

(3) Rape;

(4) A sexual offense involving a minor or non-consenting adult;

(5) Child pornography;

(6) Kidnapping or abduction of a child;

(7) Illegal possession, use, sale, or distribution of controlled substances;

(8) Illegal possession or use of weapons; or

(9) A felony involving moral turpitude to be defined as one characterized by behavior or acts that gravely violate moral sentiments or accepted moral standards of this community and are of a morally culpable quality;

(c) Knowingly failed to report suspected child abuse or neglect, as required by District of Columbia Official Code Section 4-1321.02; or

(d) Had his or her application for a license denied, or his or her license suspended or revoked in another jurisdiction within the last five (5) years for a cause which would be grounds for denial, suspension, or revocation under Sections 1687.1(a) through (c).

1687.2 Before denying, suspending, or revoking a license, pursuant to Section 1687.1, the State Superintendent of Education or his or her designee shall do the following:

(a) Send the potential or current license holder a written notification of the intent to deny, suspend or revoke his or her license, specifying the basis for intended action;

(b) Advise the potential or current license holder of the right to a hearing in accordance with Title 5, Chapter 8, Sections 806.3 through Section 806.8, and advise further that:

(1) The decision shall not become final until the conclusion of all procedures set forth in Title 5, Chapter 8, Sections 806.3 through Section 806.8, so long as a request for a hearing is filed within ten (10) days of the receipt of a written copy of charges against the potential or current license holder;

(2) Absent the timely filing of a request for a hearing, the decision shall become final on the eleventh (11th) day after receipt of a written copy of charges against the potential or current license holder; and

(c) Advise the potential or current license holder that at each stage of the decision-making process, including Title 5, Chapter 8, Sections 806.3 through Section 806.8 procedures, the burden of proof shall rest upon the Superintendent in order to sustain a decision to suspend or revoke a license and upon the applicant in order to reverse

a decision to deny a license; and that in all cases the standard of proof shall be a preponderance of the evidence.

1687.3 The State Superintendent of Education or his or her designee shall notify all other states of a denial, suspension, and revocation decisions as part of the interstate certification data exchange.

1687.4 If the decision of denial, suspension, or revocation is based on Section 1687.1(b), and if the decision subsequently is overturned in an appeal or other post decision proceeding, a potential license holder may re-apply for a professional license, and a license suspension or revocation ends, when the conviction or plea of guilty is overturned.

1687.5 A license which has been suspended under this chapter shall be automatically reinstated at the end of the five-year suspension period; provided, that the license did not expire during the period of suspension. If the license expired during the period of suspension, the holder of the former license may reapply and shall be required to meet the license requirements in effect at the time the application is submitted for a new license.

The following Sections and Sub-sections of Title V of the DCMR are hereby deleted in their entirety:

Section 5-1001
Sub-Sections 5-1002.1, 5-1002.2, and 5-1002.3
Section 5-1003
Section 5-1308
Section 5-1310
Section 5-1311

Persons wishing to comment on these proposed rules should submit their comments in writing to Ms. Erika Lomax, the Office of the State Superintendent of Education, 51 N Street, NE, Room 3019, Washington, D.C., 20002, Attn: Ms. Erika Lomax. All comments must be received by the Office of the State Superintendent of Education not later than thirty (30) days after publication of this notice in the DC Register. Copies of this proposed rule may be obtained by writing to the above address, or by calling the Office of the State Superintendent of Education at (202) 727-6436.