

**THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

NOTICE OF EXTENSION OF COMMENT PERIOD

The Department of Consumer and Regulatory Affairs (DCRA) published proposed regulations to implement the Condominium Act of 1999 on May 30, 2003 at 50 DCR 4264. The regulations would amend Title 14 of the District of Columbia Municipal Regulations (DCMR) by adding new chapter 70 to provide for condominium declarant's warranty against structural defects. The comment period for those proposed regulations was scheduled to close on June 30, 2003. Due to the high level of public interest in the regulations, the comment period was extended and scheduled to close on July 31, 2003. However, DCRA further extends the comment period until 4:45 PM on September 30, 2003 to ensure that all interested parties have the opportunity to comment. Comments should be addressed to the Department of Consumer and Regulatory Affairs, Office of the General Counsel, 941 North Capitol Street, NE, Suite 9400, Washington, DC 20002.

DISTRICT OF COLUMBIA BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, §38-101, et seq., hereby gives notice of proposed rulemaking action taken by the Board at its meeting held on July 16, 2003, to add a new section and renumber an existing section to the Chapter 1, Bylaws of the Board of Education, Board Rules (Title 5 of the D.C. Municipal Regulations). The new section provides for employment by the Board of Education of an executive secretary and defines the functions of the position.

The Board also gives notice of its intent to take final rulemaking action on the proposed rulemaking in not less than thirty (30) days from publication of this notice.

Renumber 104.10 to 104.11

Insert a new section:

- 104.10 The Board shall appoint an Executive Secretary to act as custodian of the records of the Board, certify and maintain the proceedings of the Board, and conduct and supervise the daily business of the Office of the Board, which includes its activities as State Education Agency, chartering authority and policy-maker for the public schools of the District of Columbia. The Executive Secretary shall prepare a record of Board proceedings as required by law or this charter; an shall perform all other duties authorized by law, this chapter, or official acts of the Board, or as assigned by the Board.

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.

DISTRICT OF COLUMBIA BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The Board of Education ("Board"), pursuant to the authority set forth in D.C. Code, 2001 Edition, §38-101, et seq., hereby gives notice of proposed rulemaking action taken by the Board at its meeting held on July 16, 2003 to amend Chapter 1 of the Board Rules, Title 5 of the D.C. Municipal Regulations, regarding the By-Laws of the Board of Education.

The purpose of these amendments is to establish that the Board will consider and exercise its responsibilities as the State Education Agency by creating a new Committee of the Whole for State Education Policy and requiring that the Board hold separate monthly meetings to take action on respectively state and local policy issues.

The Board also gives notice of its intent to take final rulemaking action on the proposed rulemaking in not less than thirty (30) days from publication of this notice in the D.C. Register.

Section 105 is amended as follows:**105. MEETINGS OF THE BOARD OF EDUCATION; REGULAR MEETINGS**

- 105.1 The Board shall hold separate regular monthly business meetings in the months of September through July of each year to take actions on respectively state education policy and local education policy. The Board may coordinate its regular monthly meetings to be consecutive; provided, however, that these meetings shall not be held concurrently.
- 105.2 Unless specifically changed by the Board, the regular meetings shall be held on the third Wednesday of each month at a time and place established by the Board.
- 105.3 The agenda of the regular meetings of the Board shall include the following:
- (a) A report of the Superintendent, which may include items for the information of the Board, items for referral to Board committees, and items requiring official action by the Board;
 - (b) A report of the Executive Secretary to the Board which shall include approval of the journal of proceedings of the Board and accompanying transcripts, and

which may include items for the information of the Board, items for referral to Board committees, and items requiring official action by the Board;

(c) A report from each standing and ad hoc committee which may include items for the information of the Board and recommendations requiring official action by the Board;

(d) A report from the Committee of the Whole for State Education Policy;

(de) A report of the President of the Board which may include any item for the information of the Board; and

(ef) Provision for time for any member of the Board to present items for the information of the Board or for referral by the chair to a Board committee.

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

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

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

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

(a) Items not on the agenda;

(b) Items that have been referred to committee by the chair pursuant to § 105.5; and

(c) Items presented under §§ 105.3(d) and 105.3(e).

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

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

105.10 Items remaining on the consent agenda shall be approved by the Committee of the Whole and shall be considered at the next regular meeting as part of the agenda established in accordance with § 105.3. Approval of the consent agenda during the regular meeting shall include the unanimous approval of all matters included in the consent agenda.

Section 109 is amended as follows:

109 COMMITTEES OF THE BOARD OF EDUCATION

Standing Committees

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

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

Ad Hoc Committees

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

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

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

Committees of the Whole

109.6 The Board of Education shall have the following committees of the whole:

- (1) Committee of the Whole for State Education Policy; and
- (2) Committee of the Whole for Local Education Policy.

Committee procedures

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

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

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

Section 110 is amended as follows:

110. MEETINGS OF BOARD COMMITTEES

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

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

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

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

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

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

- 110.7 Committee meetings shall be held in open session unless closed to the public for executive session. Committees may hold executive sessions to discuss any matter, but shall take no action in executive sessions unless such action is specifically authorized by and taken in accordance with the provisions of the Board rules.
- 110.8 All committees of the Board are fact-finding and deliberative bodies.
- 110.9 The Board shall hold separate regular meetings for the Committee of the Whole for State Education Policy and the Committee of the Whole for Local Education Policy in the months of September through July of each year at least two days prior to the regular meetings of the Board. The Committees of the Whole shall coordinate their regular monthly meetings to be consecutive whenever possible; provided, however that Committee of the Whole meetings shall not be held concurrently.
- 110.10 The agenda of the Committee of the Whole for State Education Policy shall include the following:
- (a) A report from the executive director of the Board's Public Charter School Authority;
 - (b) A report from the executive secretary of the Board about actions required of the Board as a part of its responsibilities as State Education Agency;
 - (c) A report from the executive secretary about actions and information to be considered by the committee in the Board's role as policy-maker for the District's public schools;
 - (d) Matters referred by standing and ad hoc committees, the Superintendent and the President of the Board; and
 - (e) Any matter requiring deliberation and debate by the entire membership for the Board.
 - (f) The Committee of the Whole for State Education Policy shall prepare a consent agenda for the regular Board of Education meeting as described in §§ 105.8-105.10 of this chapter.
- 110.11 The agenda of the Committee of the Whole for Local Education Policy shall include the following:
- (a) A report from the executive secretary about actions and information to be considered by the Committee in the Board's role as policy-maker for the District of Columbia Public Schools;

- (b) Matters referred by standing and ad hoc committees, the Superintendent and the President of the Board; and
- (c) Any matter requiring deliberation and debate by the entire membership for the Board.
- (d) The committee of the whole shall prepare a consent agenda for the regular Board Meeting as described in §§ 105.8-105.10 of this chapter.

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.

**DISTRICT OF COLUMBIA
BOARD OF EDUCATION**

NOTICE OF 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 proposed rulemaking action taken by the Board at its meeting held on July 16, 2003, to amend Chapter 38 of the Board Rules, (Title 5 of the D.C. Municipal Regulations) to add a new section that mandates the establishment of a State Complaint Office within the District of Columbia Public Schools. The establishment of a State Complaint Office is crucial to ensuring that the Board of Education fulfill its state supervisory responsibilities by 1) providing parents with an important means of ensuring that the educational needs of their children are met and 2) providing the Board of Education, in its state capacity, with a tool to identify and correct noncompliance with the Individual with Disabilities Education Act (IDEA), so that children with disabilities receive appropriate educational services. The establishment of a state complaint process is required by the IDEA.

The Board hereby also gives notice of intent to take final rulemaking action on the proposed rulemaking in not less than thirty (30) days from publication of this notice.

Amend Chapter 38 by adding a new Section 3805 as follows:

3805 STATE COMPLAINT OFFICE

- 3805.1** The Board of Education, in its capacity as the State Education Agency of the District of Columbia, shall establish a District of Columbia State Complaint Office ("DCSCO"), as mandated by the Individuals with Disabilities Education Act, 20 USC §1400 et seq., and its implementing regulations, including 34 CFR 300.660 – 662.
- 3805.2** The DCSCO shall be responsible for accepting, independently investigating and issuing written decisions regarding complaints that an local education agency ("LEA") in the District of Columbia has violated the Individuals with Disabilities Education Act. For purposes of this section, the definition of LEA shall be the same as that set forth in Section 3001 of Chapter 30 of this title.

3805.3 Any organization or individual may file a signed, written complaint under the procedures described in this section with the DCSCO. The complaint shall include, at a minimum:

- (a) A statement that the LEA has violated a requirement of Part B of IDEA in providing or failing to provide services to a "child with a disability", as such term is defined in Section 3001 of Chapter 30 of this title; and
- (b) The facts on which the statement is based.

3805.4 The complaint shall allege a violation that occurred not more than one year before the date that the complaint is received by the DCSCO unless a longer period is reasonable because either:

- (a) the violation is continuing; or
- (b) the complainant is requesting compensatory services for a violation that occurred not more than three years before the date the complaint is received.

3805.5 The investigation and resolution of a complaint filed with the DCSCO shall be completed within sixty (60) days of receipt and comply with the following requirements:

- (a) An independent on-site investigation shall be completed;
- (b) The complainant shall be given the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
- (c) All relevant information shall be reviewed and an independent decision shall be made as to whether the LEA is violating a requirement of Part B of IDEA in providing or failing to provide services to a child with a disability; and
- (d) A written decision shall be issued to the complainant that addresses each allegation in the complaint and contains:
 - (1) Findings of fact and conclusions; and
 - (2) The reasons for the DCSCO's final decision.

3805.6 The 60-day time limit established by 3804.5 may be extended only if exceptional circumstances exist with respect to a particular complaint.

3805.7 The DCSCO shall ensure effective implementation of the decision by any means authorized by law to effect compliance, including technical assistance, negotiations, and corrective actions to achieve compliance. In

resolving a complaint in which it has found a failure to provide appropriate services, the DCSCO shall address:

- (a) How to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the student; and
- (b) Appropriate future provision of services for all children with disabilities.

- 3805.8** If a written complaint is received that is also the subject of a due process hearing pursuant to section 3029 of Chapter 30 of this title, or contains multiple issues, of which one or more are part of that hearing, the DCSCO shall set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action shall be resolved using the time limit and procedures described in this section.
- 3805.9** If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties, the hearing decision is binding and the DCSCO shall inform the complainant to that effect.
- 3805.10** The DCSCO shall have the right to investigate and resolve complaints alleging an LEA's failure to implement a due process hearing officer decision.
- 3805.11** Nothing in this section shall be construed to restrict or limit an individual or organization from filing a complaint through alternative complaint resolution processes, such as mediation pursuant to section 3028 of Chapter 30 of this title.
- 3805.12** The State Education Officer shall develop appropriate procedures to implement the requirements of this section and will ensure that the DCSCO is independent and impartial, subject to the approval of the SEA.
- 3805.13** The State Education Officer shall widely disseminate the DCSCO's procedures to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, and other appropriate entities.

Written comments on the proposed rulemaking are invited from interested citizens. Such comments should be addressed to Mr. Russell Smith, Executive Director, D.C. Board of Education, 825 North Capitol Street, N.E., Washington, D.C. 20002. Copies of this rulemaking are available from the Office of the Board of Education by calling (202) 442-4289.