

DISTRICT OF COLUMBIA PUBLIC SCHOOLS**NOTICE OF EMERGENCY RULEMAKING**

The Chancellor of the District of Columbia Public Schools, pursuant to section 103 of the District of Columbia Public Education Reform Amendment Act of 2007 (Act), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172) (2007 Supp.), and Mayor's Order 2007-186 (August 10, 2007), hereby gives notice of the adoption of the following emergency rulemaking. This emergency rulemaking will extend for another 120 days the amendment to Title 5, Chapter 13 of the *District of Columbia Municipal Regulations* to add a new section 1309 to establish qualifications and general requirements for all paraprofessionals.

Emergency action is needed to preserve the Chancellor's authority to enforce compliance with the requirement that all Local Education Agencies, receiving assistance under Title I of the No Child Left Behind Act of 2001, approved January 8, 2002 (115 Stat. 1425; 20 U.S.C. § 6301 *et seq.*), ensure that paraprofessionals have met certain requirements, until the Council's 45-day period of review has expired. The Chancellor adopted an identical emergency rulemaking on July 24, 2008. On October 6, 2008, pursuant to section 103 (c)(2) of the Act (D.C. Official Code § 38-172(c)(2)), the Chancellor submitted a proposed rulemaking, identical to the July 24, 2008 emergency rulemaking and this emergency rulemaking, to the Council. The Chancellor's July 24, 2008, emergency rulemaking expires November 21, 2008. The Council's 45-day period of review expires November 22, 2008, at which time the proposed rulemaking will be deemed approved if the Council has not disapproved the proposed resolution in whole or in part by resolution. As such, this emergency rulemaking is needed to ensure uninterrupted continuation of the Chancellor's authority thereunder.

This emergency rulemaking was adopted on November 20, 2008, and became effective immediately on that date. It will remain in effect for up to one hundred and twenty (120) days, unless earlier superseded by a notice of final rulemaking. The Chancellor hereby gives notice of her intent to adopt this rulemaking, in final, upon the expiration of the Council's 45-day period of review and final publication in the *D.C. Register*.

Chapter 13 of Title 5 of the District of Columbia Municipal Regulations (Conditions of Employment) is amended to add a new section 1309 to read as follows:

1309 QUALIFICATIONS OF PARAPROFESSIONALS

- 1309.1 All paraprofessionals employed by D.C. Public Schools shall have earned a high school diploma or its recognized equivalent, regardless of the paraprofessionals' hiring date.
- 1309.2 An instructional paraprofessional who provides direct academic support to students or teachers shall:

- (a) Complete at least two (2) years of study at an institution of higher education;
 - (b) Obtain an associate's (or higher) degree; or
 - (c) Meet a rigorous standard of quality and be able to demonstrate through a formal academic assessment:
 - (1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
 - (2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.
- 1309.3 The receipt of a high school diploma (or its equivalent) shall be necessary but not sufficient to satisfy the requirements of § 1309.2(c).
- 1309.4 The mandatory deadline for all instructional paraprofessionals employed by the D.C. Public Schools to meet the requirements stated in § 1309.2 shall be June 30, 2008.
- 1309.4 Instructional paraprofessionals who fail to meet the mandatory June 30, 2008 deadline may be subject to disciplinary action, up to and including termination.
- 1309.5 The requirements of § 1309.2 shall not apply to a paraprofessional if:
- (a) The paraprofessional is proficient in English and a language other than English and provides services primarily to enhance the participation of children by acting as a translator, with proficiency in English and a language other than English determined by standards established by D.C. Public Schools;
 - (b) The paraprofessional's duties consist solely of conducting parental involvement activities; or
 - (c) The paraprofessional's duties are limited to cafeteria or playground supervision, personal care services, and/or non-instructional computer assistance.

Requests for copies of this rule should be submitted in writing to Michelle Rhee, Chancellor, DCPS, at 825 North Capitol Street, NE, 9th Floor, Washington, DC, 20002.