

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

**SECOND NOTICE OF PROPOSED RULEMAKING**

The State Superintendent of Education, pursuant to the authority set forth in Sections 3(b)(7) and (11) of the State Education Office Establishment Act of 2000, as amended, effective October 21, 2000 (D.C. Law 13-176, D.C. Official Code §§ 38-2602(b)(7) and (11) (2012 Repl.)); Section 403 of the Public Education Reform Amendment Act of 2007, as amended, effective June 12, 2007 (D.C. Law 17-9, D.C. Official Code § 38-2652(a)(3) (2012 Repl.)); Articles I and II of An Act to provide for compulsory school attendance, for the taking of school census in the District of Columbia, and for other purposes, as amended, approved February 4, 1925 (43 Stat. 806; D.C. Official Code §§ 38-201 *et seq.* (2012 Repl.)); and Section 402 of the Healthy Schools Act of 2010, as amended, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02(c) (2012 Repl.)), hereby gives notice of his intent to adopt, in not less than thirty (30) days after the publication of this notice in the *D.C. Register*, amendments to Title 5 (Education), Subtitle E (Original Title 5), Chapter 22 (Grades, Promotion, and Graduation), and to add a new Chapter 22 (Graduation) to Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (DCMR).

The amended rules govern methods to obtain credits toward graduation from a District of Columbia school, and the new rules govern the issuance of state-level high school diplomas.

The Office of the State Superintendent of Education (OSSE), pursuant to D.C. Official Code § 38-2602(b)(7) (2012 Repl.), is responsible for establishing the minimum credits that must be achieved in order to graduate from any public and public charter school, with the advice and approval of the State Board of Education (SBOE), pursuant to §§ 38-2652(a)(3) and (4). In developing the regulations, OSSE and SBOE engaged in an extensive period of public engagement and solicitation of public comments.

The purposes of this new Chapter 22 (Graduation) within Subtitle A (Office of the State Superintendent of Education) of Title 5 (Education) of the DCMR are to (1) ensure that all students graduate with the knowledge, skills, and work habits that will prepare them for postsecondary education and modern careers; (2) encourage, support, and expand the creativity of local education agencies as they develop high-quality educational experiences that are an integral part of secondary education in the evolving 21st Century classroom; and (3) allow students multiple, equally rigorous and valued ways to demonstrate competency of the knowledge and skills necessary for postsecondary education and meaningful careers.

These proposed rules build on amendments of the existing rules of graduation set forth in Title 5-E (Original Title 5) DCMR Chapter 22 (Grades, Promotion, and Graduation) to replace the existing term ‘Carnegie Units’ with the term ‘credit’, and then implement, in the new Title 5-A DCMR Chapter 22 provision, multiple methods for educational institutions to award students credit toward graduation requirements. At the same time, OSSE has maintained the elements of Title 5-E DCMR Section 2201 to avoid unnecessary shifts and inconsistency, transposed fundamental provisions in Sections 5-E DCMR Sections 2202, 2203 and 2206 to 5-A DCMR Sections 2200 through 2204, and deleted Title 5-E DCMR Sections 2202 through 2208.

The proposed rules will also establish a State High School diploma that will be provided to the District’s nontraditional students such as adult students, students attending alternative schools, and the District’s home-schooled students who have demonstrated competency through alternative graduation requirements. The State High School diploma will also be provided to students attending a state-run overseen school.

On November 28, 2014, OSSE published Notice of Proposed Rulemaking in the *D.C. Register* at 61 DCR 12291. After receiving formal and informal public comment from many of the major stakeholders, OSSE has stricken sections of the First Proposed Rulemaking that have caused inadvertent confusion. OSSE has also deleted words to clarify areas of the First Proposed Rulemaking. This Second Notice of Proposed Rulemaking hereby replaces the First Notice of Proposed Rulemaking.

This notice therefore proposes: (1) amendment of Section 2201 of Title 5-EDCMR to amend and replace the term ‘Carnegie Unit’ with the term ‘credit’; (2) amendment of Title 5-A by adding a new Chapter 22, to implement multiple methods of earning credit toward graduation; and (3) amendment of Title 5-E to delete Sections 2202 (Graduation: General Policy), 2203 (Graduation: Academic Requirements), 2204 (Graduation Status of Students), 2205 (Official List of Graduates), 2206 (Diplomas and Graduation Exercises), 2207 (Class Fees), and 2208 (Class Gifts). In view of the twenty (days) since publication of these proposed amendments in a fuller form and wider scope, this more narrow notice containing otherwise substantially the same language, with the exception of a few clarifying additions, in the remaining sections is being circulated throughout the District for a shortened ten (10) day period, including an opportunity to submit written comments on these proposals, as is set forth in detail below.

**Amend Title 5, EDUCATION, Subtitle E, ORIGINAL TITLE 5, Chapter 22, GRADES, PROMOTION, AND GRADUATION, Section 2201, PROMOTION, to read as follows:**

**2201 PROMOTION**

- 2201.1 Promotion shall be defined as the movement of students to higher grade levels or/course levels and to graduation from high school in accordance with D.C. School Board Policy.
- 2201.2 Promotions shall be made at the end of the school year. Special promotions may be made at any time with the documented assessment conducted and certified by the Chief Academic Officer and the written approval of the Regional Superintendent whose jurisdiction encompasses the school that the student attends.
- 2201.3 Students with disabilities, identified through the Individuals with Disabilities in Education Act (IDEA) 2004, are eligible for promotion as determined in accordance with the goals and objectives, accommodations and modifications as it relates to the content standards developed and agreed upon by the IEP Team. For English Language Learners, any decision on retention must be made in

conjunction with the bilingual/ English Second Learner (ESL) teacher (*cf.*, 5-E DCMR Chapter 31 (Education of Language Minority Students)).

2201.4 A student may be retained in any grade, with the following requirements:

- (a) A student cannot be retained more than once during his enrollment in the District of Columbia Public Schools unless there is a comprehensive review by multiple school personnel and approval from the Regional Superintendent whose jurisdiction encompasses the school the student attends; and
- (b) If a student does not meet all requirements for promotion, but moves on to middle or high school because s/he has been previously retained, the principal must submit a report to the receiving school detailing all unmet requirements. This report must be received by June 30 and updated at the close of summer school. For students who move prior to the end of the school year, the report must be provided to the receiving school within thirty (30) calendar days of the student's enrollment in the school. Students in this situation will be enrolled in support services in the receiving school.

2201.5 [REPEALED].

2201.6 Promotion of students in pre-kindergarten through eighth (8th) grade to the next level shall include consideration of the following criteria. Students shall receive:

- (a) Proficient or advanced marks in the core subjects of:
  - (1) Reading/language arts;
  - (2) Mathematics;
  - (3) Science; and
  - (4) Social studies.
- (b) Achievement of the goals of the intervention learning plan where applicable;
- (c) Meet the requirements of the system's attendance policy;
- (d) If a student in pre-kindergarten or kindergarten has met the proficiency requirements in the core subject areas but is not functioning at a skill level deemed ready for promotion to kindergarten or first grade by a teacher or a parent in the areas of physical, social or emotional development, the

option of repeating a pre-kindergarten or kindergarten may be considered without being regarded as a retention.

2201.7 [REPEALED].

2201.8 Students may complete the high school graduation requirements over a three (3), four (4), or five (5) year period, depending upon the time and support they need to complete graduation requirements as stated in their individualized graduation plan signed and verified by the counselor. The following guidelines shall apply for testing purposes where a grade definition is required:

- (a) Any student who earns six (6) credits by completing content standards of the required courses including units in ninth (9th) grade English and Algebra I, shall be eligible to be classified as a tenth (10th) grade student.
- (b) Any student who earns twelve (12) credits by completing content standards of the required courses including tenth (10th) grade English, shall be eligible to be classified as an eleventh (11th) grade student.
- (c) Any student who earns eighteen (18) credits by completing content standards of the required courses including eleventh (11th) grade English, shall be eligible to be classified as a twelfth (12th) grade student.

**Amend Title 5, EDUCATION, Subtitle E, ORIGINAL TITLE 5, Chapter 22, GRADES, PROMOTION, AND GRADUATION, by reorganizing Sections 2202, GRADUATION: GENERAL POLICY and 2203, GRADUATION: ACADEMIC REQUIREMENTS to Title 5, EDUCATION, Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION and deleting 2204, GRADUATION STATUS OF STUDENTS, 2205, OFFICIAL LIST OF GRADUATES, 2206, DIPLOMAS AND GRADUATION EXERCISES, 2207, CLASS FEES, and 2208, CLASS GIFTS.**

**Amend Title 5, EDUCATION, Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, by adding Chapter 22, GRADUATION, to read as follows:**

## **CHAPTER 22 GRADUATION**

### **2200 AUTHORITY AND PURPOSE**

2200.1 The following rules are issued pursuant to authority set forth in Sections 7 and 11 of the State Education Office Establishment Act of 2000, as amended, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(7) and (11) (2012 Repl.)); Section 403 of the Public Education Reform Amendment Act of 2007, as amended, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(3) (2012 Repl.)); Articles I and II of An Act to provide for compulsory school attendance, for the taking of school census in the District of Columbia, and for other purposes, as amended, approved February 4, 1925 (43

Stat. 806; D.C. Official Code §§ 38-201 *et seq.* (2012 Repl.)); and Section 402 of the Healthy Schools Act of 2010, as amended, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02(c) (2012 Repl.)).

- 2200.2 The purpose of this chapter is to establish the requirements governing acceptable credits to be granted for studies leading to graduation and issuance of a diploma in District of Columbia educational institutions offering high school instruction, including District of Columbia Public Schools, public charter schools, and state-overseen schools. Further, this chapter establishes the requirements governing acceptable credits to be granted for studies leading to graduation and issuance of a diploma by the State Superintendent of Education.

## **2201 GENERAL POLICY**

- 2201.1 This chapter shall apply to an educational institution as defined in this chapter.
- 2201.2 This chapter shall also apply to a nonpublic educational institution, as defined in this chapter, that provides educational services to special education students pursuant to Section 3 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.03 (2012 Repl.)) and consistent with Title 5-A DCMR §§ 2800 *et seq.*
- 2201.3 At the beginning of each school year, educational institutions shall notify parents and guardians of enrolled students of the educational institution’s graduation policies and procedures and any course credit flexibility options an educational institution will provide to students, in accordance with this chapter.
- 2201.4 Educational institutions shall have the flexibility to design and implement their own curricula and instructional methods so long as curricula meet and exceed state approved standards.
- 2201.5 For students who transfer to the District from another state, country, school, program, or home-schooling situation, the educational institution shall evaluate the value of the student’s prior educational experiences and determine to what degree the student has met the school’s graduation requirements. The course work credits received by the student prior to transfer into an educational institution may be used to meet the graduation requirement set forth in §§ 2202 *et. seq.* upon the educational institution’s verification of successful completion of this comparable course work. After enrolling in the educational institution, these students will need to satisfy all assessment, proficiency, and graduation requirements in the appropriate subject areas, as determined by the educational institution.

## **2202 GRADUATION: ACADEMIC REQUIREMENTS**

### **2202.1 Subject Area Course Requirements**

Beginning with the graduating class of 2016, in School Year 2015-2016, and every graduating class thereafter, each high school student shall complete the following coursework:

A total of twenty-four (24) credits in corresponding subjects and required volunteer community service hours shall have been satisfactorily completed for graduation.

- (a) The following credits in the following subjects shall be required:

<b>COURSES</b>	<b>CREDITS(S)</b>
English	4.0
Mathematics; must include Algebra 1, Geometry, and Algebra II at a minimum	4.0
Science; must include three (3) lab sciences	4.0
Social Studies; must include World History 1 and 2, United States History; United States Government, and District of Columbia History	4.0
World Language	2.0
Art	0.5
Music	0.5
Physical Education/Health	1.5
Electives	3.5
<b>Total</b>	<b>24.0</b>

- (b) At least two (2) of the twenty four (24) credits for graduation shall include a College Level or Career Preparatory (CLCP) course approved by the educational institution and successfully completed by the student. The course may fulfill subject matter or elective unit requirements as deemed appropriate by the educational institution. CLCP courses approved by the educational institution may include courses at other institutions.
- (c) All students shall enroll in Algebra no later than ninth (9<sup>th</sup>) grade commencing with the 2007-2008 School Year.
- (d) For all students entering the ninth (9<sup>th</sup>) grade beginning School Year 2009-2010, one (1) of the three (3) lab science units, required by paragraph (a) of this subsection, shall be a course in Biology.
- (e) In addition to the twenty-four (24) credits, one hundred (100) hours of volunteer community service shall be satisfactorily completed. The specific volunteer community service projects shall be established by the educational institution.
- (f) One and one half (1.5) credits in health and physical education shall not be required for the evening program high school diploma.

2202.2      **Course Credit Flexibility**

- (a) Beginning with the School Year 2015-2016, an educational institution shall award course credit toward high school graduation, on the condition that the course activities incorporate all applicable state content standards, through the any of the following methods:
  - (1) Seat-time: An educational institution may award one credit toward high school graduation for a course that requires a minimum of one hundred-twenty (120) hours of instruction or one hundred-fifty (150) hours of laboratory instruction. An educational institution may award one-half unit (1/2) of credit toward high school graduation for a course of sixty (60) hours of instruction and one-fourth (1/4) unit of credit toward high school graduation for a course requiring a minimum of thirty (30) hours of instruction; or
  - (2) Competency Based Learning: An educational institution may award credit toward high school graduation for a competency-based learning course or course equivalent that has been approved by the Office of the State Superintendent of Education (OSSE). Each educational institution that seeks to implement a competency-based learning course or course equivalent shall submit an application to OSSE through its Local Education Agency (LEA) or equivalent. OSSE may convene a panel of content experts and stakeholders to review each application. The applications shall provide procedures for establishing and developing a competency-based course or course equivalent including the method for determining competency. OSSE shall approve the submitted plan prior to the educational institution's implementing the competency-based learning course or course equivalent. Achievement shall be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions, projects and community service; or
  - (3) Credit Advancement: An educational institution may award credit toward high school graduation to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding OSSE approved assessment. OSSE will annually issue a list of assessments approved to provide credit enhancement. In order to award credit towards graduation in this manner, an educational institution shall comply with notice and reporting requirements in this chapter; or

- (4) **Credit Recovery:** An educational institution may award credit toward high school graduation to a student who previously failed a required course if the student demonstrates mastery of targeted standards. Course content for credit recovery courses shall be composed of standards in which students proved deficient rather than all standards of the original course. Educational Institutions may develop credit recovery programs which are self-paced and competency-based. Educational Institutions offering credit recovery may offer these courses using self-paced digital content programs, online courses, or course remediation programs that result in accrual of credits. In order to award credit towards graduation in this manner, an educational institution shall comply with notice and reporting requirements in this chapter.

(b) **Notice and Reporting Requirement:**

Each educational institution awarding credit toward graduation through credit advancement or credit recovery shall provide to OSSE:

- (1) **Notice Requirement:** Notice of how many students will attempt to receive credit through credit recovery or credit advancement, and the respective assessments or methods the students will use, in conformance with this chapter.
- (2) **Reporting Requirement:** A report detailing, among others, how many students received credit through credit recovery or credit advancement and the respective assessments or methods used, in conformance with this chapter.

The reports required under this section shall, to the extent practicable, conform to the format requested by OSSE.

- 2202.3 An educational institution may establish specialized or career focused programs or courses of study, which lead to the high school diploma in accordance with § 2202.4. These courses of study may include academic, performing arts, science and mathematics, career or vocational education focuses or other areas of concentration. The programs or courses of study may require additional coursework.
- 2202.4 Electives taken to fulfill the requirements of § 2202.1 shall be required to be taken in courses established by the educational institution for each area of concentration in order to receive certification in the area of concentration.
- 2202.5 Each student who completes the requirements for specialized courses of study shall receive appropriate recognition on the student's diploma.



2202.6 A student with special needs who does not achieve a diploma, as set forth in §§ 2202 *et. seq.* shall be eligible to receive a Certificate of Individual Educational Program Completion. The decision to pursue a program leading to a Certificate of Individual Educational Program Completion shall be made by the IEP team including the parent(s) and where possible, the student. The decision shall be made no earlier than the ninth (9<sup>th</sup>) grade and shall be attached to the student's IEP. Educational institutions shall comply with IDEA as addressed in Title 5-E DCMR Chapter 30 (Special Education Policy) with regards to appropriate transition assessments.

2202.7 **Graduation Requirements for the Graduating Class of 2015:** The following coursework shall be required of students who enrolled in ninth (9<sup>th</sup>) grade for the first time in School Year 2011-2012 or a prior school year and are eligible to graduate at the end of School Year 2014-2015, in order to be certified as eligible to receive a high school diploma:

- (a) A total of twenty-four (24) Carnegie Units in corresponding subjects and required volunteer community service hours shall have been satisfactorily completed for graduation.
- (b) The following Carnegie Units in the following subjects shall be required:

COURSES	UNIT(S)
English	4.0
Mathematics; must include Algebra 1, Geometry, and Algebra II at a minimum	4.0
Science; must include three (3) lab sciences	4.0
Social Studies; must include World History 1 and 2, United States History; United States Government, and District of Columbia History	4.0
World Language	2.0
Art	0.5
Music	0.5
Physical Education/Health	1.5
Electives	3.5
Total	24.0

- (c) At least two (2) of the twenty four (24) Carnegie Units for graduation must include a College Level or Career Preparatory (CLCP) course approved by the LEA and successfully completed by the student. The course may fulfill subject matter or elective unit requirements as deemed appropriate by the LEA. CLCP courses approved by the LEA may include courses at other institutions.
- (d) All students must enroll in Algebra no later than ninth (9<sup>th</sup>) grade commencing with the 2007-2008 School Year.

- (e) For all students entering the ninth (9th) grade beginning School Year 2009-2010, one (1) of the three (3) lab science units, required by paragraph (a) of this subsection, shall be a course in Biology.
- (e) In addition to the twenty-four (24) Carnegie Units, one hundred (100) hours of volunteer community service shall be satisfactorily completed. The specific volunteer community service projects shall be established by the LEA.
- (f) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma.

## **2203 DIPLOMAS**

- 2203.1 A student shall be certified by the educational institution as eligible for graduation only after the student has satisfactorily completed all academic and non-academic graduation requirements in this chapter that have not been specifically waived for that student.
- 2203.2 Beginning January 1, 2014, a student who has successfully completed the tests of General Educational Development (GED) in compliance with Title 5-E DCMR Sections 2320 *et. seq.*, (General Educational Development (GED) Testing), the National External Diploma Program (NEDP), is enrolled in a school operated by the State, or successfully completed any additional option pre-approved by OSSE shall be eligible for a State Diploma from OSSE. Additionally, a student who is in a home schooling program that is in compliance with Title 5-E DCMR Chapter 52 (Home Schooling), shall also be eligible to receive a diploma from OSSE.
- 2203.3 A student may receive a high school diploma only if such student has been certified as eligible to graduate pursuant to §§ 2202 *et. seq.* or § 2203.2.
- 2203.4 Each diploma shall bear the signature of the head of the educational institution and the seal of the educational institution in which the student is enrolled. The diploma of a student eligible under § 2203.2, shall bear the signature of the State Superintendent of Education and the seal of the Office of the State Superintendent of Education.
- 2203.5 If the student is receiving a diploma from another school system but is unable to attend graduation exercises held by the school system, the student may be allowed to participate in the graduation exercises of the educational institution being attended upon the approval of the head of the educational institution.
- 2203.6 The receipt of a high school diploma, a Certificate of Attainment or a Certificate of Individualized Education Program by an eligible student shall not be contingent upon the payment of any fee or other consideration, except the

payment of non-resident tuition fees required by statute and the provisions of Title 5-A DCMR Chapter 51 (Non-Resident Tuition Rates).

## 2299 DEFINITIONS

2299.1 When used in this chapter, the following terms shall have the ascribed meanings:

- (a) **“Carnegie Unit”** means one hundred and twenty (120) hours of classroom instruction or one hundred and fifty (150) hours of laboratory instruction over the course of an academic year.
- (b) **“Competency”** means a measure of a student’s knowledge and skill in content areas that are demonstrated in various settings over time. The specific knowledge and skills are defined by state adopted standards, other content standards, and/or career readiness and life skills.
- (c) **“Credit”** means successful demonstration of a specified unit of study.
- (d) **“Educational institution”** means a public, public charter school, state-overseen school in the District of Columbia.
- (e) **“Head of the Educational Institution”** means the legal entity or designated representative with authority to act on behalf of the educational institution in an official manner.
- (f) **“High school”** means an educational institution that provides secondary level instruction to students.
- (g) **“IDEA”** means the “Individuals with Disabilities Education Act”, approved April 13, 1970 (84 Stat. 191; 20 U.S.C. §§ 1400 *et seq.*), as amended by Pub. L. 108-446, approved December 3, 2004 (118 Stat. 2647).
- (h) **“Local Education Agency”** means pursuant to 20 USCS § 7801(26)(A), a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.
- (i) **“Mastery”** means a student’s command of course material at a level that demonstrates a deep understanding of the content standards and application of knowledge.

- (j) **“Nonpublic special education school or program”** means a privately owned or operated preschool, school, educational organization, or program, no matter how titled, that maintains or conducts classes for the purpose of offering instruction, for a consideration, profit, or tuition, to students with disabilities; provided that the term “nonpublic special education school or program” shall not include a privately owned or operated preschool, elementary, middle, or secondary school whose primary purpose is to provide educational services to students without disabilities, even though the school may serve students with disabilities in a regular academic setting.
- (k) **“Office of the State Superintendent of Education” or “OSSE”** means the District of Columbia state-level agency established by Section 302(a) of the Public Education reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2601 (2012 Repl.)).
- (l) **“Portfolio”** is a collection of work that documents a student’s academic performance over time and demonstrates deep content knowledge and applied learning skills. A portfolio typically includes a range of performance-based entries required by the educational institution and selected by the student, reflections, summary statements, and a final student presentation.
- (m) **“Public high school”** means a public school or public charter school that provides instruction for students in the ninth (9<sup>th</sup>) through twelfth (12<sup>th</sup>) grades.
- (n) **“School-age child”** is a child between five (5) years of age on or before September 30 of the current school year or eighteen (18) years, pursuant to D.C. Official Code § 38-202(a) (2012 Repl.).
- (o) **“State Board of Education”** means the District of Columbia state-level agency established by Section 402 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code §§ 38-2651 *et seq.* (2012 Repl.)).

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than ten (10) days after the date of publication of this notice in the *D.C. Register* via email addressed to: [ossecomments.proposedregulations@dc.gov](mailto:ossecomments.proposedregulations@dc.gov); or by mail or hand delivery to the Office of the State Superintendent of Education, Attn: Jamai Deuberry re: Graduation Requirements and Diplomas, 810 First Street, NE 9<sup>th</sup> Floor, Washington, DC 20002. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at [www.osse.dc.gov](http://www.osse.dc.gov).