

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF EMERGENCY RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in the Mayor's Order 2014-196, dated August 12, 2014 and Sections 3(b)(7) and (11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176, D.C. Official Code §§ 38-2602(b)(7) and (11) (2012 Repl. & 2014 Supp.)), and with the advice and approval of the State Board of Education (SBOE) pursuant to Section 403(a)(3) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(3) (2012 Repl. & 2014 Supp.)), hereby gives notice of the adoption, on an emergency basis, of an amendment to Section 2202 (Graduation: General Policy) of Chapter 22 (Grades, Promotion, and Graduation) of Title 5 (Education), Subtitle E (Original Title 5) of the District of Columbia Municipal Regulations (DCMR).

The Office of the State Superintendent of Education (OSSE), pursuant to Mayor's Order 2014-196, dated August 12, 2014, manages Hospitality High School, which includes any and all actions authorized to be performed in direct management of the school, such as executing and delivering "any other document, contract, agreement, statement or instrument required by or incidental to the management of Hospitality High School." However, Mayor's Order 2014-196 did not explicitly provide authority to issue diplomas and the current regulations do not provide the state education agency, OSSE, with explicit authority to grant or confer diplomas. Therefore, this emergency rulemaking is necessary to ensure that the students graduating from Hospitality High School receive a diploma in a way that recognizes the current governance structure of the school, and without any questions of legitimacy.

This emergency rulemaking is necessitated by the immediate need to ensure that the OSSE will be authorized to confer, sign and seal diplomas for students graduating from Hospitality High School in June 2015. The emergency rulemaking therefore adds a subsection to Title 5-E DCMR § 2202 establishing a state high school diploma that will be provided to District of Columbia students attending and completing the graduation requirements set forth in Title 5-E DCMR § 2203 (Graduation: Academic Requirements) at a school managed by the state education agency, OSSE.

The rules were adopted on May 29, 2015 and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on September 26, 2015.

Chapter 22, GRADES, PROMOTION, AND GRADUATION, of Title 5, EDUCATION, Subtitle E, ORIGINAL TITLE 5, is amended as follows:

Section 2202, GRADUATION: GENERAL POLICY, adds Subsection 2202.10 to read as follows:

2202 GRADUATION: GENERAL POLICY

...

2202.10 A student enrolled in a school managed by the state education agency, the Office of the State Superintendent of Education (OSSE), who has successfully completed the requirements set forth in Title 5-E DCMR § 2203 (Graduation: Academic Requirements) shall be eligible for a high school diploma from OSSE. The diploma of a student graduating from a school operated by the State shall bear the signature of the State Superintendent of Education and the seal of OSSE.