

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

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, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(7) and (11) (2012 Repl. and 2015 Supp.)); Section 403 of the Public Education Reform Amendment Act of 2007 (PERAA), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(3) (2012 Repl. and 2015 Supp.)); with the advice and approval to be requested of the State Board of Education (SBOE) pursuant to section 403(a)(3) of PERAA (D.C. Official Code § 38-2652(a)(3) (2012 Repl. and 2015 Supp.)), hereby gives notice of her intent to adopt, in not less than thirty (30) days after the publication of this notice in the *D.C. Register*, a new Section 2203 (Academic Requirements) to Chapter 22 (Graduation) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (DCMR) and to delete section 2203 in Subtitle E (Original Title 5), Title 5 (Education) of the DCMR.

The Office of the State Superintendent of Education (OSSE), pursuant to section Sections 3(b)(7) of the State Education Office Establishment Act of 2000 (D.C. Official Code § 38-2602(b)(7) (2012 Repl. and 2015 Supp.)), is responsible for establishing the minimum credits that must be achieved in order to graduate, with the advice and approval of the SBOE, pursuant to section 403(a)(3) of PERAA (D.C. Official Code §§ 38-2652(a)(3) (2012 Repl. and 2015 Supp.)). From August 2015 to December 2015, the SBOE convened a cross-city task force of 25 representatives from the education and workforce sectors to consider whether and how to supplement the Carnegie Unit with additional means for students in the District to earn units toward graduation. The task force made the following four recommendations: (1) create a waiver process for schools wishing to pursue competency-based learning; (2) allow students to receive credit for demonstrated knowledge in world language and mathematics; (3) maintain Carnegie Units as the default means for earning credit where neither of the two above conditions apply; and (4) remove the requirement that students enroll in Algebra I by 9th grade. The purpose of this rulemaking is to update the graduation requirements based on the recommendations of the task force to create flexible opportunities for students to obtain Carnegie Units toward graduation.

Accordingly, the proposed rules maintain the Carnegie Unit as the default means for earning units towards graduation and create a waiver process for schools desiring to pursue competency-based learning. In addition, the proposed rules embrace the spirit of the other two recommendations offered by the task force, but do not align precisely with the language of the task force's recommendations. First, while the task force recommends allowing students to receive credit for demonstrated knowledge in world language and mathematics, the proposed rules allow students to receive credit for demonstrated knowledge in any required course. OSSE chose not to limit the courses this option would apply to through regulatory action, however OSSE plans to implement this option for only mathematics and world language in the first year. Second, the task force recommends OSSE remove the requirement that students enroll in Algebra I by 9th grade, however, the proposed rulemaking requires students to enroll in Algebra I by 10th grade unless the school is granted a waiver to pursue competency-based learning. In the proposed rulemaking, OSSE maintains the spirit of the task force's recommendation by adding

the necessary flexibility to this requirement, while acknowledging that a specific three-course sequence is required for graduation from high school.

This notice is being circulated throughout the District for a thirty (30) day period, including an opportunity to submit written comments on these proposals, as is set forth in detail below.

Amend Chapter 22 (Graduation) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education) by adding Section 2203 (ACADEMIC REQUIREMENTS) to read as follows:

2203 ACADEMIC REQUIREMENTS

2203.1 The course work set forth in subsections 2203.3 through 2203.8 shall be required of students who enrolled in ninth (9th) grade in school year 2007-2008 and thereafter in order to be certified as eligible to receive a high school diploma.

2203.2 At the beginning of the ninth (9th) grade, students shall develop a graduation plan pacing the courses they will take to complete high school. This shall be done with the assistance of the school counselor or other school official designated by the local education agency (LEA).

2203.3 (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 I no later than tenth (10th) grade commencing with the 2016-2017 school year, unless the school is approved for a waiver pursuant to subsection 2203.7.
- (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.
- (f) 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.
- (g) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma.

2203.4 An LEA may establish specialized or career-focused programs or courses of study, which lead to the high school diploma in accordance with subsection 2203.3. These courses of study can include academic, performing arts, science and mathematics, and career or vocational education focuses or other areas of concentration. The programs or courses of study may require additional coursework.

2203.5 Electives taken to fulfill the requirements of subsection 2203.4 shall be required to be taken in courses established by the LEA for each area of concentration in order to receive certification in the area of concentration.

2203.6 Each student who completes the requirements for specialized or career focused courses of study established under subsection 2203.4 shall receive appropriate recognition on the student's diploma.

2203.7 Beginning with School Year 2016-2017:

- (a) The District of Columbia Public Schools ("DCPS") or the Public Charter School Board ("PCSB") may waive the Carnegie Unit requirement set forth in subsection 2203.3 for a school seeking to award competency-based unit(s), as defined in this chapter, accordingly:
 - (1) A school that seeks a waiver from the Carnegie Unit requirement to award competency-based unit(s) shall submit an application to either the DCPS or PCSB. If a charter school is part of an LEA, the application must be submitted to the PCSB through the LEA;

- (2) Applications for a waiver to award competency-based unit(s) shall be in the format established by the Office of the State Superintendent of Education (“OSSE”) and contain the information required by OSSE; and
- (3) The DCPS or PCSB, respectively, shall review the school’s application in accordance with the standards and requirements established by OSSE. If the school’s application meets the standards and requirements established by OSSE, the DCPS or PCSB, respectively shall approve the school’s application for a waiver to award competency-based unit(s);
- (b) An LEA may award a unit equivalent to a Carnegie Unit to a student who is not enrolled in a course, or who has not completed a course, if the student attains a minimum score, as set by OSSE, on a corresponding OSSE-approved assessment; and
- (c) OSSE shall make publicly available aggregated evidence of annual implementation of subsections 2203.6(a) and (b) in a summative report no later than three years after initial implementation to share best practices and lessons learned from implementation.

2203.8 A student with special needs who does not achieve a diploma, as set forth in subsection 2203.3 shall be eligible to receive an Individual Educational Program (IEP) Certificate of Completion. The decision to pursue a program leading to an IEP Certificate of 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 (9th) grade and shall be attached in writing to the student’s IEP. An LEA shall comply with the requirements of the Individuals with Disabilities Education Act of 2004 (20 U.S.C. § 1400 *et seq.*) (IDEA) and District law with regard to appropriate transition assessments.

2203.9 Graduation Requirements for Previous Years: The following coursework shall be required of students who enrolled in ninth (9th) grade for the first time in 1982-1983 or a prior school year in order to be certified as eligible to receive a high school diploma:

- (a) A total of seventeen and a half (17.5) Carnegie Units;
- (b) The Carnegie Units shall include:
 - (1) Four (4) Units in English;
 - (2) One (1) in United States History;
 - (3) One half (0.5) Unit in United States Government;

- (4) One (1) Unit in Mathematics;
- (5) One (1) Unit in Science;
- (6) One and one half (1.5) Units in Health/Physical Education; and
- (7) Eight and one half (8.5) electives; and
- (c) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma.

2203.10 The following coursework shall be required of students entering ninth (9th) grade for the first time in any of the school years between and including school year 1983-1984 and school year 1992-1993 in order to be certified as eligible to receive a high school diploma.

- (a) A total of twenty and a half (20.5) Carnegie Units;
- (b) The Carnegie Units shall include:
 - (1) Four (4) in English;
 - (2) One (1) in Foreign Language;
 - (3) One half (0.5) in DC History-Government;
 - (4) One (1) in US History;
 - (5) One half (0.5) in US Government;
 - (6) Two (2) in Mathematics;
 - (7) Two (2) in Science;
 - (8) One and one half (1.5) in Health/Physical Education;
 - (9) One (1) in Life Skills Seminar and seven (7) Electives; and
- (c) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma.

2203.11 The following coursework shall be required of students entering ninth (9th) grade for the first time in any of the school years between and including 1993-1994 and school year 2006-2007 in order to be certified as eligible to receive a high school diploma:

- (a) A total of twenty-three and a half (23.5) Carnegie Units shall have been completed.
- (b) The following Carnegie Units in the corresponding subjects shall be required:

COURSES	UNITS
Art	0.5
Career/Vocational Education	1.0
Electives	4.5
English	4.0
Foreign Languages	2.0
Health & Physical Education	1.5
Mathematics (including elementary Algebra or its equivalent)	3.0
Music	0.5
Science (including one (1) year of lab science)	3.0
Social Studies to include D.C. History, World Geography and US Government (each 0.5), US History and World History (each 1)	3.5
Total	23.5

- (c) One and one half (1.5) Carnegie Units in health and physical education shall not be required for the evening program high school diploma; and
- (d) One hundred (100) hours of community service shall be required for graduation.

Amend Chapter 22 (Graduation) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education) by adding Section 2299 (DEFINITIONS) to read as follows:

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

“Carnegie Unit” - 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.

“Competency-based Unit” - a unit equivalent to a Carnegie Unit that is earned toward graduation for successful completion of an approved competency-based learning course or course series per subsection 2203.6(d).

“Local Education Agency” - pursuant to section 9101 of the No Child Left Behind Act of 2001, approved January 8, 2002 (115 Stat. 1956; 20 U.S.C. § 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.

“Office of the State Superintendent of Education” or “OSSE” - the District of Columbia state level education 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.)).

“School” - a public or public charter school in the District of Columbia.

Delete Section 2203 in Chapter 22 (GRADES, PROMOTION, AND GRADUATION) of Subtitle E (Original Title 5), Title 5 (Education).

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of publication of this notice in the *D.C. Register* via email addressed to: 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 9th 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.