



**DISTRICT OF COLUMBIA**  
**Office of the State Superintendent of Education**  
**Division of Teaching and Learning**  
**Professional Practices and Discipline**

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**EDUCATOR CREDENTIAL**  
**DENIAL, SUSPENSION, AND**  
**REVOCAATION**  
**PROCEDURES GUIDEBOOK**

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# Introduction

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The Office of the State Superintendent of Education (OSSE) is vested with the duty, and granted the authority, to issue an educator credential to any applicant who meets applicable requirements. (See 5-A DCMR § 1600.2). OSSE is further vested with the duty, and granted authority, to deny, revoke, or suspend the credential of professional educators who are charged with, or convicted of, certain offenses and/or criminal acts. (See 5-A DCMR § 1607).

An application for an educator credential shall be denied by OSSE and an educator credential issued shall be denied for renewal, suspended for a period of time determined by OSSE, or revoked pursuant to 5-A DCMR § 1607. Upon a final decision of adverse action taken, OSSE shall report that information to the National Association of State Directors and Teacher Education and Certification (NASDTEC) Clearinghouse so that other states are aware of the action taken by District of Columbia.

OSSE shall also post non-confidential information regarding adverse actions on its website for public access. This handbook provides general information pertaining to the policy and procedures regarding the denial, suspension, and revocation of educator credentials.

# Causes for Administrative Action

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An application for an educator credential shall be **DENIED**, and an issued credential shall be **DENIED FOR RENEWAL, SUSPENDED, or REVOKED** by OSSE if the applicant or credential holder has fraudulently or deceptively obtained or attempted to obtain the credential; failed to report suspected child abuse or neglect, as required by DC Code § 4-1321.02; been denied a credential or had his/her credential denied, suspended, or revoked in another jurisdiction within the previous five (5) years for a cause which would be grounds for denial, suspension, or revocation under this section; and/or pled guilty or nolo contendere with respect to, or received probation before judgment with respect to, or been convicted of, one of the following crimes as defined in the DC Code or a comparable crime in another state or federal law:

- (a) Murder;
- (b) Child abuse;
- (c) Rape or sexual abuse;
- (d) A sexual offense involving a minor or non-consenting adult;
- (e) Child pornography;
- (f) Kidnapping or abduction of a child;
- (g) Illegal possession, use, sale, or distribution of controlled substances;
- (h) Illegal possession or use of weapons;
- (i) A felony involving moral turpitude to be defined as one characterized by behavior or acts that gravely violate moral sentiments or accepted moral standards of this community and are of a morally culpable quality; or
- (j) A crime of violence as defined in District of Columbia Official Code Section 23-1331(4);

# Initiation of Administrative Action

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OSSE may initiate an action to deny an application for a credential or may suspend or revoke the credential of a current credential holder based on, but limited to the following:

(1) an applicant or credential holder's admission, (2) an applicant or credential holder receives an unsatisfactory background check, (3) report of disciplinary action taken by another state concerning an applicant or credential holder, (4) notification from a local education agency in accordance with mandatory reporting requirements, and/or (5) receipt of a complaint against the applicant or credential holder.

## **Applicant or Credential Holder Admission**

Applicant or credential holder admission can occur in one of several ways including, but not limited to, the following: (1) providing information on an application form that indicates noncompliance with OSSE rules and regulations, (2) making a statement during an investigation into an incident that indicates noncompliance with OSSE rules and regulations. An admission can be written or verbal.

During the completion of an application for a DC educator credential, all applicants must respond to all questions listed in the *"applicant background information section"* of the application.

Should the applicant answer "YES" to any question, they must submit copies of all pages of related court or hearing proceeding documents(s) pertaining to the matter to include the final judgement and current status/disposition of each offense. Failure to submit the required documentation or failure to disclose requested information can result in the denial of an application for a credential, or suspension or revocation of a current credential.

To submit a complete application for an educator credential, applicants must go online to OSSE's website and create an application using OSSE's Educator Credentialing Information System (ECIS). ECIS allows applicants to upload scanned copies of all their required supporting documents and pay the required fees with a valid credit or debit card.

Applicants also use ECIS to submit related documents in response to any "yes" responses to questions asked in the applicant background information section of their ECIS application.

If an applicant or credential holder admits to noncompliance with OSSE rules and regulations, OSSE may initiate an administrative action against the applicant or credential holder.

## **Unsatisfactory Background Check**

Applicants applying for an educator credential issued by OSSE must submit to a background check and are required to submit a Personal Criminal History Record (PCHR) report completed by the Federal Bureau of Investigation (FBI) when filing an application.

PCHR reports must be issued within the previous 12 months from the date an application is submitted, and shall remain valid with OSSE for a period of up to four (4) years from the date the report was generated. Upon submission of a new application for a credential in a different subject area, the applicant shall be required to submit an updated PCHR report if there has been a change in their criminal history.

Applicants may also be required by OSSE to submit to additional background checks during the validity period of licensure. An existing credential holder who has had a change in their criminal history since the most recent PCHR report on file with OSSE shall submit an updated PCHR report to OSSE within thirty (30) days of the arrest.

If the background investigation of an applicant or credential holder reveals information that is in violation of the OSSE rules and regulations, OSSE may initiate an administrative action against the applicant or credential holder.

### **Options for obtaining an FBI personal criminal background check**

Applicants have two options to obtain a PCHR report completed by the FBI.

Option 1 – Submit via an FBI approved “channeler” agency to request an FBI personal criminal background check

Only United States citizens or legal permanent residents can request a PCHR through an FBI approved channeler. The FBI approved channeler agency must have the authorization to provide personal FBI criminal background check. The link to various agencies that can provide this service is listed below. This is the preferred option to obtain a PCHR report within less than thirteen (13 weeks).

Applicants must request that their PCHR report results be mailed back to them directly. It is required that the applicant upload all pages of the FBI report to their online educator credential application submitted to OSSE for review. For more information, please visit the website at: <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and follow the option to submit your request to an FBI Approved Channeler.

## Option 2 – Submit to the FBI’s Criminal Justice Information Services (CJIS) Division

Please note this option takes the FBI 13 weeks to complete a PCHR request. It is the only option available to non U.S. citizen or legal permanent resident and those U.S. citizens and legal residents currently residing outside of the country.

All applicants can submit a PCHR request to the FBI using the following steps outline below:

1. Complete the FBI’s [Applicant Information Form](#).
2. Obtain a set of your personal fingerprints. Your fingerprints should be placed on a [standard fingerprint form \(FD-258\)](#) commonly used for applicant or law enforcement purposes. The FBI will accept FD-258 fingerprint cards on standard white paper stock.
3. Submit payment by credit card or by money order or cashier’s check in the amount of \$18.00.
4. Make sure to provide/submit all required information to ensure that your request is properly processed.
5. Mail your request and other required documents to:  
**FBI CJIS Division – Summary Request**  
**1000 Custer Hollow Road**  
**Clarksburg, WV 26306**

Applicants must request that their PCHR report results to be mailed back to them directly. It is required that the applicant upload all pages of the FBI report to their online educator credential application submitted to OSSE for review. For more information, please visit the FBI’s website at: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

## Report of Administrative or Disciplinary Action Taken by another Jurisdiction

OSSE receives educator disciplinary action data taken in other states in the following two ways:

1. OSSE runs a data query based upon a monthly report generated from the NASDTEC Educator Identification Clearinghouse. The Clearinghouse is the national collection point for professional educator discipline actions taken by the fifty states, the District of Columbia, U.S. Department of Defense Educational Opportunity schools, and the U.S. Territories. OSSE then runs a query of that data file against our educator licensure data system. If there is a match found of an individual’s personal identifying information from the clearinghouse data file, an alert notification is generated in the OSSE educator licensure data system.
2. OSSE contacts another state based upon receipt of a validated third-party complaint, or OSSE has been made aware that an individual has engaged in an act listed in 5-A DCMR § 1607. In response, OSSE may contact that state’s educator discipline division to submit a request for information pertaining to the matter. As part of its inquiry, OSSE requests

copies of all documents related to the matter, including final motions and decisions rendered by the presiding entity.

If another jurisdiction reports that an applicant or credential holder has committed one of the offenses listed in 5-A DCMR § 1607.1, or has otherwise been the subject of administrative or disciplinary action by that jurisdiction, OSSE may initiate an administrative action against the applicant or credential holder.

### **Notification from LEA Pursuant to Mandatory Reporting Requirements**

School officials and teachers employed by local education agencies are mandatory reporters (See D.C. Code § 4-1321.02(b)). If a school official or teacher knows, or has reasonable cause to suspect, that a child has been or is in immediate danger of being mentally or physically abused, the LEA shall immediately report such knowledge or suspicion to the Metropolitan Police Department (MPD) or the Child and Family Services Agency (CFSA). The school official or teacher shall also immediately notify the person in charge of the school, or his or her designated agent, who shall then be required to make a report. The fact that the school was notified does not relieve the person who was originally required to report from his or her duty to making a prompt report to MPD or CFSA.

Employees, agents, and contractors of DC LEAs are required to notify MPD or CFSA and OSSE in writing when they become aware of a teacher, pupil services provider, or administrator with a current DC educator credential, or an applicant applying for a DC credential, who engages in any act listed in 5-A DCMR § 1607.1. The information must be reported to OSSE to inform potential administrative action regarding the denial of an application for a DC educator credential or the suspension, or revocation, of a DC educator credential for cause.

To report knowledge of an act engaged in by a teacher, school service provider, or school administrator a person from the LEA must complete a “DC Local Education Agency Reporting Form” and submit it to OSSE. When completing the form, the person reporting the information must provide all information as requested on the form and must sign and date the form at the time of submission. For information on how to submit a “DC Local Education Agency Reporting Form” go to [www.osse.dc.gov](http://www.osse.dc.gov).

If an LEA notifies MPD or CFSA that a school official or teacher is known or suspected to be involved in the mental or physical abuse of a child, an administrative action may be initiated against the applicant or credential holder once OSSE is notified of the action.

If an investigation by MPD or CFSA reveals that a school official or teacher failed to comply with mandatory reporting requirements, an administrative action may be initiated against the applicant or credential holder once OSSE is notified of the investigation results.

LEA representatives may contact OSSE by phone at (202) 741.5881 or by email at [osse.asklicensure@dc.gov](mailto:osse.asklicensure@dc.gov) to report all actions and information on investigation or if they have any questions or concerns.



## **Complaint by Person**

Any person can file an independent complaint against an individual applicant applying to OSSE for a new credential or a current OSSE credential holder. If the person's complaint is based on information that individual has pled guilty, or nolo contendere, or convicted of one of the crimes listed in 5-A DCMR § 1607.1, then the complainant shall:

- a) Submit the complaint in writing;
- b) State the facts or circumstances that form the basis of the complaint;
- c) State the name and address of the person or party filing the statement of complaint;
- d) Sign and date the statement of complaint;
- e) Mail or deliver the statement to following address:

Office of the State Superintendent of Education (OSSE)  
Division of Teaching and Learning  
Professional Practices and Discipline  
1050 First St. NE, 5th Floor  
Washington, DC 20002

For other types of complaints that are not listed on page 4 of this handbook and outlined in 5-A DCMR § 1607.1, the complainant should submit the complaint directly to the LEA via that LEA's complaint process.

# Investigations

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Once OSSE is made aware that an applicant for a credential or current credential holder is known or suspected to have committed an act listed in 5-A DCMR 1607.1, OSSE may open an investigation into the matter. The initiation of an investigation is to determine if administrative action against the applicant or credential holder is warranted. An investigation may include, but not be limited to, requesting additional related documents and information from the applicant or credential holder or from the adjudicating body or official pertaining to the act, interviewing witnesses, and coordinating with MPD, CFSA and other government agencies.

If OSSE determines that the allegations are unfounded, the investigation shall be closed and no further administrative actions shall be taken. The applicant or credential holder shall be informed that the investigation was closed as unfounded. If OSSE determines that there is sufficient evidence against the applicant or credential holder, it shall continue with the administrative action and notify the applicant or credential holder in writing of OSSE's intent to deny the application for a credential, and/or suspend or revoke the current credential.

# Notice of Intent to take Administrative Action and Service of Notice

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If OSSE has evidence that an applicant has engaged in any act outlined in 5-A DCMR § 1607.1, then administrative actions will be taken. A written notice shall be served by the superintendent or the superintendent's designee to the applicant for a credential or current credential holder that OSSE intends to deny the application for a credential, and/or suspend or revoke the current credential.

The notice shall contain the following:

- a) The intent to deny the application or to deny the renewal of, suspend, or revoke the credential, specifying the basis for the intended action;
- b) Notice that a potential or current credential holder has the right to appeal the proposed action at hearing;
- c) Notice that if the potential or current credential holder requests a hearing to appeal the proposed action, the decision to deny, suspend, or revoke shall not become final until the conclusion of the hearing;
- d) Notice that at a hearing the standard burden of proof shall be a preponderance of the evidence and that the burden of proof shall rest upon:
  - 1) OSSE, if the decision is whether to suspend or revoke a current license or credential; or
  - 2) The applicant, if the decision is whether to reverse a decision to deny a credential or application for a credential
- e) Notice that the individual appealing the proposed action shall have the right, at his/her own expense, to be represented by an attorney or other representative at the hearing;
- f) Notice that a request for a hearing to appeal the proposed action shall be filed within ten (10) calendar days of the service of the written notification of the intent to deny the application or deny, suspend, or revoke the credential; and
- g) Notice that, absent the timely filing of a request for a hearing, the decision shall become final on the eleventh calendar day after service of the written notification of the intent to deny the application or deny, suspend, or revoke the credential.

# Commencement of Hearings

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A required notice, order, or decision for administrative action shall be served upon a party via the following; a) served upon the party directly or b) served upon a representative designated by the party or c) served by law to receive service of papers.

If a party has appeared through counsel, service may be made upon the counsel of record.

Service on a respondent shall be directed to the last known address of the respondent on file with OSSE and shall be completed by one of the following methods:

(a) By personal delivery;

(b) By leaving it at the office of the party being served with a supervisor, person in charge or an employee; or, if the party being served has no office or the office is closed, by leaving it at their usual place of residence with a person of suitable discretion sixteen (16) years of age or older residing there;

(c) By certified mail, return receipt requested; or

(d) In conformity with an order of OSSE.

If service is by personal delivery, it shall be deemed to have been served at the time when delivery is made to the party, or other person served.

If service is by certified mail, it shall be deemed to have been made on the date shown on the return receipt showing delivery of the notice to the party or refusal of the party to accept delivery.

If the party is no longer at the last known address as shown by OSSE's records and no forwarding address is available, service shall be deemed to have been made on the date the return receipt bearing that notification is received by OSSE.

A hearing can be requested by an applicant for a credential or credential holder who has been notified that OSSE intends to take administrative action. To contest the intended action, the applicant or credential holder must submit a formal request to OSSE for a hearing. The hearing request must be received by OSSE within ten (10) business days after the service of notice. To submit a proper request for a hearing, the applicant or credential holder shall submit a written request to:

Office of the State Superintendent of Education (OSSE)  
Division of Teaching and Learning  
Professional Practices and Discipline  
1050 First Street NE, 5 Floor  
Washington, DC 20002

The hearing request must include the following:

1. The applicant or credential holder's full name, telephone number and current mailing address;
2. The last four digits of the applicant's or credential holder's social security number;
3. A statement indicating that the respondent elects to exercise his/her right to a hearing; and
4. Applicant or credential holder's signature and date.

At the hearing the applicant or credential holder can present evidence to support why the proposed action should not be taken. Upon receipt of a proper hearing request, the decision to take action shall not become final until the conclusion of the hearing.

Within fifteen (15) calendar days of receipt of the hearing request, OSSE shall acknowledge its receipt by sending a written notice of acknowledgement to the applicant or credential holder. OSSE shall coordinate with the Hearing Officer assigned to the hearing to schedule the hearing.

A hearing shall be held not less than fifteen (15) calendar days following the date of service of the original notice of a hearing request, unless the applicant or credential holder and OSSE agree to hold the hearing at an earlier date.

At least fifteen (15) calendar days before the hearing date, a notice to appear for a scheduled hearing shall be sent to the applicant or credential holder. The notice of hearing shall include the date, time and location of the hearing.

If a hearing is not requested or has not been received by OSSE within the time frame permitted, the proposed action to deny, suspend, or revoke shall become final on the eleventh calendar day after the service of notice.

If a hearing is scheduled and the applicant, credential holder or party representing the applicant or credential holder are not present for the proceeding, the Hearing Officer shall proceed with the matter and shall issue a final decision based upon the evidence available to the hearing official.

# Hearing Officer Appointment; Parties

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The Superintendent may authorize a Hearing Officer to conduct hearing on the denial, revocation or suspension of a credential base on any violations of 5-A DCMR § 1607.1.

- a) The hearing officer shall:
  - 1. Administer oaths;
  - 2. Receive and exclude evidence;
  - 3. Issue subpoenas to compel witnesses to appear and testify or produce relevant materials. The subpoenas shall be in the name of the Mayor of the District of Columbia; and
  - 4. Issue of a final decision.
  
- b) The party entitled to a hearing has following rights:
  - 1. The right to be represented by an attorney;
  - 2. The right to present all relevant evidence;
  - 3. The right to examine opposing witnesses; and
  - 4. The right to have subpoenas issued to compel the attendance of witnesses or the production of relevant materials.

# Conduct of Hearing and Record

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Hearings shall be conducted as follows:

- a) The hearing shall be closed to the public.
- b) All testimony at a hearing shall be under oath or affirmation.
- c) The hearing official or designee shall exclude irrelevant, immaterial, and unduly repetitious evidence as it deems appropriate.
- d) All persons at a hearing shall maintain decorum and good order at all times. The hearing official or designee may exclude or have removed from the hearing room any person deemed disruptive to the hearing process.
- e) All hearings shall be recorded and the hearing official or designee shall compile a complete record of all evidence presented during the course of a hearing.
- f) OSSE shall make a transcript of a hearing upon the request of a party.
- g) If OSSE does not make a transcript of the hearing, it shall maintain an electronic copy of the hearing as part of the record.
- h) OSSE shall provide a copy of an approved transcript or recording of a hearing to any party requesting it, upon payment of the required fee.
- i) If a dispute arises with respect to the record, the hearing official or designee shall settle the record and rule on all contested motions to correct the record.
- j) The hearing record shall be closed at the conclusion of the hearing. However, when hearing official or designee allows the parties to submit arguments, briefs, or documents, the record shall be left open for such time as the hearing official or designee grants for that purpose.
- k) The hearing record shall be closed on the date set by the hearing official or designee as the final date for the receipt of submissions of the parties.

# Burden of Proof

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In a hearing resulting from a proposed action to suspend or revoke a license or credential, OSSE shall have the burden of proving by a preponderance of the evidence that the proposed action should be taken.

In a hearing resulting from the denial of a license or credential application, the applicant shall have the burden of satisfying OSSE qualifications by a preponderance of the evidence.

# Final Decisions

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The hearing officer shall submit a final decision and order, in writing, to OSSE and the parties within sixty (60) calendar days after the closing of the record.

A final decision and order of the hearing official or designee, shall contain:

- a) Findings of fact;
- b) Conclusions of law ; and
- c) Final decision and order including any date for compliance.
- d) A statement informing the respondent of the right to petition the District of Columbia Court of Appeals for review of the final decision, and that a petition for review must be filed with the District of Columbia Court of Appeals no later than thirty (30) calendar days after notice of the final decision has been given.

Within five (5) calendar days after a final decision is rendered, the Hearing Officer shall serve a copy of the written decision upon each party or the party's counsel of record.



# Length of Terms for Administrative Actions

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## **Denial of an Educator Credential**

If an applicant for an educator credential has pled guilty, or nolo contendere, received probation before judgment with respect to, or been convicted of murder, child abuse, rape or sexual abuse, a sexual offense involving a minor or non-consenting adult, child pornography, or kidnapping or abduction of a child, the application shall be **permanently denied**.

If an applicant for an educator credential fraudulently or deceptively obtained or attempted to obtain an educator credential, failed to report suspected child abuse or neglect, or has pled guilty, or nolo contendere, received probation before judgment with respect to, or been convicted of illegal possession, use, sale, or distribution of a controlled substance, illegal possession or use of a weapon, a felony involving moral turpitude, or a crime of violence, the application shall be denied. The applicant may reapply for an educator credential no sooner than five (5) year from the denial of the application for educator credential.

If an applicant for an educator credential has been denied a credential or had his/her credential denied, suspended, or revoked in another jurisdiction within the previous five (5) years for a cause which would be grounds for denial, suspension, or revocation under 5-A DCMR 1607.1, the application shall be denied. The applicant may reapply for an educator credential once it has been five (5) years since he/she had the credential denied, suspended, or revoked in another jurisdiction for a cause which would be grounds for denial, suspension, or revocation under 5-A DCMR 1607.1.

## **Revocation or Suspension of an Educator Credential**

If the holder of an educator credential pleads guilty, or nolo contendere, receives probation before judgment with respect to, or is convicted of murder, child abuse, rape or sexual abuse, a sexual offense involving a minor or non-consenting adult, child pornography, or kidnapping or abduction of a child, the credential shall be permanently revoked.

If the holder of an educator credential fraudulently, or deceptively, obtained or attempted to obtain an educator credential, failed to report suspected child abuse or neglect, or has pled guilty, or nolo contendere, received probation before judgment with respect to, or been convicted of illegal possession, use, sale, or distribution of a controlled substance, illegal possession or use of a weapon, a felony involving moral turpitude, or a crime of

violence, the credential shall either be suspended for a period of time to be determined by the Superintendent, or revoked.

If the credential is suspended, it shall be automatically reinstated on the date after the last day of the period of suspension. If the credential is revoked, the credential holder may reapply for an educator credential no sooner than five (5) years from the revocation of the credential.

If the holder of an educator credential has his/her application for educator credential denied, or educator credential suspended or revoked in another jurisdiction, during the active period of his/her DC credential, for a cause which would be grounds for denial, suspension, or revocation under 5-A DCMR 1607.1, the DC credential shall either be suspended for a period of time to be determined by the Superintendent, or revoked.

If the credential is suspended, it shall be automatically reinstated on the date after the last day of the period of suspension. If the credential is revoked, the applicant may reapply for an educator credential no sooner than five (5) years from the denial, suspension, or revocation by the other jurisdiction.

## Appeals

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A respondent has the right to petition the District of Columbia Court of Appeals for review of the final decision, and that a petition for review must be filed with the District of Columbia Court of Appeals no later than thirty (30) calendar days after notice of the final decision from the hearing officer has been given.

If the denial of a credential is overturned on appeal, or other post decision proceeding, OSSE shall issue an educator credential to the applicant accordingly.

If the suspension of a credential is overturned on appeal, or other post decision proceeding, and the credential holder is in the midst of a period of suspension, the suspension shall be terminated immediately.

If the revocation of a credential is overturned on appeal, or other post decision proceeding, the credential shall be fully reinstated.

# Notification of Final Actions Taken

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Upon a final decision to deny, suspend or revoke a license or credential or application, OSSE shall:

1. Notify the applicant's or credential holder's employing local education agency (LEA) central administrative office of the action taken, if employed. Additionally, OSSE shall issue a mass message alert notification to all DC public and public charter LEAs of the recent action and shall include guidance to the list of all OSSE educator credential disciplinary actions taken to date. The mass alert notification may include issuing the following:
  - a) A web notification published as an update on the OSSE's educator credential discipline web page;
  - b) A web or email notification issued by OSSE Communications sent through various communication channels and web notifications, to specifically include communication channels for DCPS and public charter LEAs.
2. Notify other states of its decision to take disciplinary action against the license, credential or application as part of a data exchange agreement with the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse regarding the educator misconduct.
3. Post available information regarding all educator credential administrative action on the OSSE website for public access.