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DISTRICT OF COLUMBIA OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The Office of the State Superintendent of Education, pursuant to the authority set forth in the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176, D.C. Official Code § 38-2601 *et seq.* (2007 Supp.)), hereby gives notice of its intent to adopt a new Chapter 52 of Title 5 of the *District of Columbia Municipal Regulations* (DCMR), entitled “District of Columbia Home Schooling Program,” in not less than 30 days from the date of publication of this notice in the *D.C. Register*. The purpose of the new chapter is to establish procedural rules to implement a home schooling program for District of Columbia residents in grades K through 12 for minor’s from the ages of 5 through 18.

5 DCMR Chapter 52 is adopted to read as follows:

CHAPTER 52 DISTRICT OF COLUMBIA HOME SCHOOLING PROGRAM

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5200 GENERAL PROVISIONS

5200.1 The provisions of this chapter are issued pursuant to D.C. Official Code § 38-2601 *et seq.* (2007 Supp.), D.C. Official Code § 38-202 (2007 Supp.), and D.C. Official Code § 38-205 (2007 Supp.).

5200.2 Student records, documents, correspondence, and other materials received in accordance with the provisions of this chapter shall be reviewed pursuant to the Family Educational Rights and Privacy Act (FERPA) (20

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U.S.C. §1232g; 34 CFR Part 99), and any other applicable District of Columbia or federal confidentiality statutes.

5200.3 The purpose of this chapter is to establish procedural rules to assist school authorities in fulfilling their responsibility under the District of Columbia's school attendance and reporting requirement laws under D.C. Official Code § 38-202 (2007 Supp.), and D.C. Official Code § 38-205 (2007 Supp.), and in determining that a child participating in a home schooling program is receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.

5201 HOME SCHOOLING OFFICE

5201.1 The Office of the State Superintendent of Education (OSSE) shall establish a Home Schooling Office within the District of Columbia to administer and implement the District of Columbia's Home Schooling Program as set forth in this regulation.

5201.2 The Home Schooling Office shall be located at 441 4th Street, NW, Suite 350 North, Washington, DC 20001

5202 WRITTEN NOTIFICATION

5202.1 A parent or legal guardian who chooses to teach his or her child at home shall initially provide written notification on an official form and in the manner prescribed by the OSSE which:

(a) Indicates consent to the requirements set forth in this regulation; and

(b) Shall be submitted to the OSSE at least 15, but not more than 30 days prior to the first date of home instruction.

5203 ANNUAL VERIFICATION AND DISCONTINUATION

5203.1 A parent or legal guardian shall verify the continuation of home schooling for his or her child by filing with the OSSE a completed annual verification form prescribed by the OSSE on an annual basis by the deadline prescribed by the OSSE, as well as the assessment and reporting required under Section 5209.

5203.2 A parent or legal guardian shall verify the discontinuation of home schooling for his or her child by notifying the OSSE in writing in the form prescribed by the OSSE.

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5204 HOME SCHOOLING PROGRAM

5204.1 The home schooling program shall:

- (a) Provide regular, thorough instruction for a period equivalent to the District's statutory minimum amount of hours of education, at least 180 days, in the subjects commonly taught in the District of Columbia public schools to children of the same age;
- (b) Include instruction in English, mathematics, science, social studies, art, music, health, and physical education; and
- (c) Take place on a regular basis during no less than the statutory minimum amount of instruction and be of sufficient duration to implement the home schooling program.

5205 EDUCATIONAL MATERIALS

5205.1 A parent or legal guardian who chooses to teach a child at home shall maintain a portfolio of materials which:

- (a) Documents hours of instruction and attendance on a daily basis and demonstrates the parent or legal guardian is providing regular, thorough home schooling instruction during at least the DCPS school year in the areas specified in Section 5204.1(a) and (b);
- (b) Includes relevant materials, including, but not limited to, instructional materials, reading materials, and examples of the child's writings, worksheets, workbooks, creative materials, tests or assessments or any other documentation requested by OSSE; and
- (c) Is made available for review by the OSSE Home Schooling Office at such times as are mutually agreeable to the OSSE and the Parent or legal guardian.

5206 REVIEW OF EDUCATIONAL MATERIALS

5206.1 A parent or legal guardian shall agree to permit a representative of the OSSE to review the portfolio of educational materials, discuss the home schooling program, and observe instruction provided that all of the following requirements are met:

- (a) The review is at a time and place mutually agreeable to the representative of the OSSE and the parent or legal guardian;

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(b) The purpose of the review is to ensure that the child is receiving regular, thorough home schooling instruction as set forth in this regulation;

(c) There are not more than three reviews during a school year.

5207 PARENT OR LEGAL GUARDIAN QUALIFICATIONS

5207.1 Parents or legal guardians who wish to be their children's instructors must have a high school diploma or its equivalent.

5208 ADDITIONAL REQUIREMENTS

5208.1 Parents or legal guardians must submit evidence in a form acceptable to the OSSE that the children participating in a home schooling program have been immunized and have received health and medical services required for children of that age as well as any other relevant information of any other kind prescribed by the OSSE in its discretion.

5209 MONITORING AND DEFICIENCIES

5209.1 If the OSSE determines, upon review of the home instruction program or inspection of the portfolio and any other information gathered about the program, that a student is not receiving regular instruction that meets the standards of this chapter and as established by the OSSE, the OSSE shall notify the parent in writing of any deficiencies.

5209.2 The parent or legal guardian shall have thirty (30) days from issuance of any letter of deficiency to correct all of the deficiencies enumerated in the letter to the satisfaction of the OSSE. The parent or legal guardian shall submit a plan of remediation which addresses the deficiencies in the child's achievement, and seeks to remedy said deficiencies. The plan shall be reviewed by the OSSE. The OSSE may require the parents to make changes in the plan prior to acceptance.

5209.3 If the OSSE, in its discretion, determines that the parent or guardian has not provided a satisfactory plan to correct the deficiencies or otherwise corrected them, the OSSE shall issue a non-compliance letter documenting its determination and the parent or guardian shall enroll the home schooled child in a public school within 14 calendar days. The parent or guardian shall provide written evidence to the OSSE within 14 calendar days that the child has been enrolled in a public school or a fully-licensed and accredited private school.

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5210 REMEDIES FOR DISPUTES AND DEFICIENCIES

- 5210.1 If a dispute arises between the parents or legal guardians and the OSSE regarding any of the requirements in this Chapter, the parents or legal guardians may appeal to the Office of the District of Columbia Deputy Mayor for Education.
- 5210.2 If the OSSE has reasonable grounds at any time to believe that the program of home schooling is in substantial noncompliance with these regulations, the OSSE may require one or more home visits. Such home visit(s) shall be made only after three days' written notice. The purpose of such visit(s) shall be to ascertain areas of noncompliance with these regulations and to determine methods of remedying any such deficiencies. The home visit(s) shall be conducted by the OSSE or by the OSSE's designee.

5211 VOLUNTARY PARTICIPATION IN STANDARDIZED TESTING

- 5211.1 Upon request of a parent or guardian, a child receiving home instruction may participate in the regularly scheduled standardized testing programs that are administered in the public school the child is eligible to attend.

5212 PLACEMENT IN PUBLIC SCHOOL FROM HOME SCHOOLING PROGRAM

- 5212.1 Upon application of a child to enroll in a District of Columbia public school from a home schooling program, placement of the child and any credits to be awarded toward high school graduation shall be determined by evaluation. The evaluation may include administration of standardized tests and examinations and interviews with the child.

5213 NON COMPLIANCE WITH REQUIREMENTS

- 5213.1 If a parent or guardian does not agree to or meet the requirements of any section of this Chapter, a child shall be enrolled promptly in a public school consistent with the mandate in D.C. Official Code sec. 38-202.

5214 DEFINITIONS

For the purposes of this sub-chapter, the term:

- (1) "Home Schooling Program" means a program conducted, in compliance with these regulations, by the parent or guardian or such person having legal custody of the child or children.

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(2) "Parent or Legal Guardian" means such person having legal custody of the child or children.

(3) "School" means a District of Columbia public school.

All persons who desire to comment on these proposed rules should submit their comments in writing to Deborah A. Gist, State Superintendent of Education, 441 4th Street, NW, Room 350N, Washington, D.C. 20001, Attn: Ms. Fonda Sutton, Director, Policy, Research & Analysis. All comments must be received by the Office of the State Superintendent of Education not later than thirty (30) day after publication of this notice in the DC Register. Copies of this proposed amendment and related information may be obtained by writing to the above address, or by calling the Office of the State Superintendent of Education at (202) 727-6436.