



GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

DIVISION OF SPECIAL EDUCATION

NOTICE OF PUBLIC HEARING

**Thursday, June 24, 2010**  
**441 4<sup>th</sup> Street, NW**  
**Old Council Chambers**  
**1<sup>st</sup> Floor South, Washington, DC 20001**  
**6:00pm – 8:00 pm**

The Office of the State Superintendent of Education (OSSE), Division of Special Education will hold a public hearing to discuss a proposed regulation governing chapter 28 of Title 5-A of the DCMR, entitled “Certificates of Approval for Nonpublic Special Education Schools and Programs Serving Students with Disabilities Funded by the District of Columbia and Special Education Rates.” This proposal takes into consideration public comments received on the earlier proposed rulemaking for special education nonpublic schools and programs certificates of approval published in the *D.C. Register* at 56 DCR 5112 (June 26, 2009); and comments received in connection with an earlier rate proposal for nonpublic special education schools or programs published in the *D.C. Register* at 54 DCR 7265 (July 29, 2007).

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This proposed rulemaking creates uniform requirements for nonpublic special education schools or programs, including a residential treatment or psychiatric residential treatment facility operating an educational program, serving a District of Columbia student with a disability as defined by the Individuals with Disabilities Education Act, approved November 29, 1975 (P.L. 94-142; 89 Stat. 773; 20 U.S.C. § 1400 *et seq.*). The proposed rulemaking also establishes a uniform rate structure for special education nonpublic special education schools or programs, evaluations and related services to be paid by the District of Columbia, and has taken into account a number of factors including historical data. The proposed rates align with the annual District of Columbia Uniform Per Student Funding Formula and rates issued by the District of Columbia Department of Health Care Finance. OSSE will publish these rates each year and make the rates available to the public on the OSSE website. For purposes of this proposal, OSSE will post on its website rate schedules which would conform to formulas established in this proposed rulemaking. Upon final adoption of chapter 28, Title 5-A of the DCMR, current section E-3813 of chapter 38, Title 5-E of the DCMR will be deleted; and OSSE will no longer pay for services based upon the fee schedule included in the District of Columbia Public School Chancellor’s rate directive, Blackman-Jones Directive No. 1, effective July 18, 2008.

This proposed rulemaking was posted for public comment on Friday, June 18, 2010 and closes on Monday, July 19, 2010.

Persons wishing to review this proposal may access it on the OSSE webpage at [www.osse.dc.gov](http://www.osse.dc.gov) under the special education program link.

Individuals wishing to testify at one of the hearings should contact Gregory Ellis, Special Assistant, at 202-741-0271 or by e-mail at [gregory.ellis@dc.gov](mailto:gregory.ellis@dc.gov) no later than 5 PM on Wednesday, June 23, 2010. Each person presenting verbal testimony will be limited to five (5) minutes in an effort to allow all individuals an opportunity to be heard. Individuals representing an organization will be limited to seven (7) minutes total presentation time.

Individuals who wish to submit their comments as part of the official record should send copies of written testimony and statements no later than 5 PM on Tuesday, June 22, 2010 to:

Gregory Ellis  
Office of the State Superintendent of Education,  
Division of Special Education,  
810 1st St. NE - 5th Floor  
Washington, DC 20002  
or  
e-mail to [osse.publiccomment@dc.gov](mailto:osse.publiccomment@dc.gov)

Individuals who do not register with the OSSE prior to the hearing may testify based upon a first come-first-serve basis as time permits within the timeframes announced for each meeting. On-site assistance with registration will be available prior to each hearing.

Individuals may request an accommodation for a physical disability or language access to participate in the public hearing by contacting Gregory Ellis no later than 5 PM on Tuesday, June 22, 2010.