

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

### NOTICE OF FINAL RULEMAKING

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 §§ 38-2601.01, 38-2602(b)(11), (12) (15) and (17) (2012 Repl. and 2018 Supp.)); and section 1002 of the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code §§ 47-2853.04(a)(22) and (36) and (c)(3) (2012 Repl. and 2018 Supp.)), hereby gives notice of the adoption of a new Chapter 17 (State Approval for Educator Preparation Providers and Subject Area Programs) in Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (DCMR).

#### **I. Purpose**

The purpose of this rulemaking is to establish the minimum requirements that enable operation of educator preparation providers and subject area programs that prepare candidates eligible to earn an educator credential in the District of Columbia to teach in the District of Columbia Public Schools. In addition to these minimum requirements for operation of educator preparation providers and subject area programs, the Office of the State Superintendent of Education (OSSE) leverages this opportunity during rulemaking to notify the public, including current and potential educator preparation providers and subject area programs, of: (i) its use of national standards for educator preparation providers and subject area programs; (ii) a needs assessment requirement for educator preparation providers and subject area programs to reflect upon their recruitment and enrollment strategies toward a diverse educator workforce, whether their program meets local workforce needs, and whether the program is sustainable; and (iii) to increase transparency and accountability around the outcomes of educator preparation providers in the District of Columbia.

Research consistently demonstrates that the most significant in-school factor impacting students' learning is teacher quality. The Office of the State Superintendent of Education (OSSE) recognizes that teacher quality is influenced by multiple factors, including the quality of a teacher's preparation. To help ensure that students attending District of Columbia Public Schools have regular and sustained access to high-quality teachers, this rulemaking is designed to support each approved preparation program in equipping future teachers with the knowledge and skills necessary to effectively educate students. Regulation of educator preparation providers and subject area programs falls within the scope of OSSE's functions as the state-level education agency for the District of Columbia.

Moreover, compelling research demonstrates that all students benefit from consistent access to racially and ethnically diverse educators, with particular benefits accruing for students from racial and ethnic groups that are currently underrepresented in the traditional educator workforce. Research demonstrates that students with the same race as their teacher are more likely to complete high school and attend college and less likely to be suspended or expelled. Specifically, research demonstrates that Black students who have at least one Black teacher in elementary school are 9 percentage points (13 percent) more likely to graduate high school and 6 percentage points (19 percent) more likely to enroll in college than their peers who are not assigned to a Black teacher

(Gershenson, S., Hart, C. M. D., Hyman, J., Lindsay, C. A., & Papageorge, N. W., *The Long-Run Impacts of Same-Race Teachers*, National Bureau of Economic Research. Working Paper Series (2021)). Additionally, research finds that Black elementary, middle, and high school students who had a higher number of Black teachers were less likely to be suspended or expelled (Lindsay, C. A., & Hart, C. M. D., *Exposure to Same-Race Teachers and Student Disciplinary Outcomes for Black Students in North Carolina*, Educational Evaluation and Policy Analysis, Vol. 39, No. 3: pp. 485–510 (2017)).

In recent years, the District of Columbia’s “teacher preparation diversity gap,” or the difference in the percent of white students enrolled in a state’s public, PreK-12 school system and the percent of white enrollees in that state’s teacher preparation programs, has been notably high (TNTP. *A Broken Pipeline: Teacher Preparation’s Diversity Problem*, 2020, [https://tntp.org/assets/documents/TNTP\\_BrokenPipeline\\_FINAL.pdf](https://tntp.org/assets/documents/TNTP_BrokenPipeline_FINAL.pdf)). Accordingly, OSSE has a compelling interest in helping to attract a more racially and ethnically diverse student body at approved DC educator preparation providers to better serve the needs of the racially and ethnically diverse students enrolled in the District of Columbia Public Schools. This rulemaking includes a needs assessment that is designed, among other goals, to prompt educator preparation providers and subject area programs to examine whether their enrollment practices are effective in attracting a racially and ethnically diverse student body that is reasonably consistent with the ethnic and racial diversity of the student population of the District of Columbia Public Schools. This needs assessment is necessary to achieving the District’s compelling interest. This interest is shared by DC’s educator preparation providers, with one educator preparation provider responding to the Advanced Notice of Proposed Rulemaking that OSSE issued on April 1, 2021: We “[a]pplaud proposed language meant to ensure [educator preparation providers] strive to eliminate opportunity gaps based on research that students (particularly from marginalized communities) benefit from access to racially and ethnically diverse educators.” To support educator preparation providers and subject area programs in completing the needs assessment, OSSE annually publishes student racial and ethnic demographic information on its DC School Report Card ([dcschoolreportcard.org](https://dcschoolreportcard.org)).

## **II. Background**

As the state educational agency for the District, OSSE has an interest in providing families access to schools staffed with highly effective teachers and leaders. To accomplish this aim, OSSE strives to verify the programmatic excellence of each educator preparation provider and subject area program that prepares candidates eligible for an educator credential in the District of Columbia to teach in District of Columbia Public Schools. Requiring that each approved DC educator preparation provider and subject area program be held to a uniform set of standards, and in the case of subject area programs that prepare teachers with primary responsibility for literacy instruction, ensuring that these standards adequately address the science of reading, as described by the National Reading Panel, will help OSSE realize these aims. Additionally, by collecting and making descriptive and program quality data available to educator preparation providers and the public, this rulemaking is designed to increase transparency, which serves as an important guardrail enabling OSSE to maintain educator preparation provider and subject area program quality.

### **III. Advanced Notice of Proposed Rulemaking**

After conducting one-on-one and group engagements with educator preparation providers approved in the District of Columbia in 2021, on April 1, 2021, OSSE issued an Advanced Notice of Proposed Rulemaking (ANPR) on its website to provide stakeholders an opportunity to provide advanced comment on proposed rulemaking. The comment period was open for thirty (30) days, closing on May 1, 2021. OSSE greatly appreciates the comments received from a number of stakeholders, including seven (7) educator preparation providers in the District of Columbia, the Council for the Accreditation of Educator Preparation (CAEP), the National Council on Teacher Quality (NCTQ), and New America. OSSE reviewed and thoroughly considered all comments received on the ANPR and made amendments to the proposed language as appropriate. The amendments made for the Notice of Proposed Rulemaking included: clarifying the instructional conditions for educator preparation providers and subject area programs to describe in a needs assessment the opportunities that candidates and completers will be provided to allow practicum and clinical experiences in various instructional settings with diverse students and faculty; including school service providers and school administrators in the definition of *educators*; and adding *performance* and *program completer* to the definitions section.

### **IV. Notice of Proposed Rulemaking**

On January 21, 2022, a Notice of Proposed Rulemaking was published in the *D.C. Register*, which included revisions based on comments received during the ANPR, for a thirty (30) day public comment period at 69 DCR 119074. The public comment period for the Notice of Proposed Rulemaking closed on February 21, 2022, with OSSE having received seven (7) written comments representing seven (7) interested parties, including educator preparation providers in the District of Columbia, two (2) non-profit organizations, and the District of Columbia State Board of Education.

OSSE appreciates the robust engagement from stakeholders on this regulation. OSSE's responses to stakeholders' comments and a description of the changes included in this final rulemaking are described below.

#### *1701 General Provisions*

Section 1701 describes general information for this chapter as it relates to OSSE educator credentialing regulations (Chapter 16, District of Columbia Municipal Regulations, Title 5, Subtitle A), the requirement and timeline for OSSE approval for educator preparation providers and their subject area programs, and OSSE Higher Education Licensure Commission (HELIC) approval.

Section 1701.6 describes how OSSE will schedule approval timelines for educator preparation providers and subject area programs who have operated in accordance with OSSE's extension of previously granted approvals. It states that OSSE will publish a schedule within thirty (30) days of the effective date of this rulemaking. One commenter did not request a modification of the regulation but requested the approval schedule for educator preparation providers and subject area programs currently operating in the District of Columbia. Once these regulations are final, OSSE will post the approval schedule on the OSSE Educator Preparation Provider webpage (<https://osse.dc.gov/service/educator-preparation-providers-and-subject-area-programs-district-columbia>).

### *1703 Needs Assessment*

Section 1703 outlines requirements for the needs assessment, which an educator preparation provider or subject area program must submit to OSSE prior to submitting a request for initial approval or for a renewal of OSSE approval.

On behalf of students with disabilities, one commenter suggested that OSSE include disability status as a measure of diversity for an educator preparation provider with respect to the faculty and staff, design of coursework, practicum, and clinical experience opportunities in the needs assessment. OSSE appreciates the suggestion to broaden the needs assessment to include educator preparation providers' efforts to provide students with access to faculty and staff with different ability statuses and to expose students to coursework that reflects different ability statuses. OSSE declines to revise the rulemaking at this time but will consider expanding the needs assessment to include consideration of disability status in a future rulemaking. In addition, OSSE will consider the issuance of guidance to address the commenter's concern on consideration of disability status.

Another commenter recommended adding a third section to 1703.2(b) to include: “(3) *Evidence of externally-validated research demonstrating that its programs have a positive, and statistically significant impact on student achievement.*” OSSE did not make this change as doing so would significantly alter OSSE's intent in this subsection of the regulation on the needs assessment. Including the type of evidence proposed by the commenter in section 1703.2(b) would detract from the intent of this portion of the needs assessment which is for potential applicants to consider local workforce needs. Nevertheless, OSSE appreciates this commenter's interest in ensuring that educator preparation providers and subject area programs are positively contributing to student academic achievement, and OSSE will be collecting data on candidate and completer performance, consistent with Section 1709.1(f).

One commenter asked that OSSE require that educator preparation providers examine enrollment practices to assess whether its candidates reflect the racial and ethnic diversity of the student populations of *all District public schools (not just DCPS)*. OSSE appreciates this comment; however, OSSE's authority for these regulations stems from its educator credentialing authority, which applies uniquely to the District of Columbia Public Schools. Therefore, no changes were made to this section of the rulemaking. This commenter also requested clarity around the number of hours of practicum and clinical experience opportunities completed by candidates. OSSE currently collects these data for each educator preparation provider and intends to continue doing so; therefore, no changes were made to the rulemaking.

### *1704 Application for Initial State Approval*

Section 1704 describes the policies and general procedures by which OSSE approves an educator preparation provider or subject area program.

OSSE appreciates one commenter's commendation of OSSE's requirement for educator preparation providers that prepare candidates with primary responsibility for literacy instruction to demonstrate evidence of competency in scientifically-based reading instruction.

A commenter recommended OSSE modify its conditions for state review eligibility to enable educator preparation providers that can demonstrate that fifty percent (50%) of their candidates or program completers, rather than program completers alone, are employed by local educational agencies in the District of Columbia per year, in each of the three (3) years preceding submission of the application.” OSSE declines to make this change. This provision is designed to limit state review eligibility to educator preparation providers whose program completers are employed in District of Columbia local educational agencies.

Another commenter proposed that OSSE modify its conditions for state review eligibility as follows: “(b) Can demonstrate that fifty percent (50%) or more of its *graduates that complete their practicum in the District of Columbia* are employed by local educational agencies in the District of Columbia per year; or (c) *Can demonstrate that the program meets any critical need for the District of Columbia as determined by OSSE, including supporting the district (sic) in building an educator workforce that reflects the racial and ethnic diversity of the student population of the District.*” The intent of Section 1704.8(b) is to recognize the contributions that some educator preparation providers are making to the District of Columbia educational workforce by preparing educators who go on to be employed by local educational agencies in the District of Columbia and allowing these providers to qualify for OSSE approval through state review instead of through accreditation by an external accreditor. OSSE declines to further limit the pool of individuals for which an educator preparation provider can demonstrate eligibility for OSSE approval through state review. OSSE also declines to adopt recommendation (c) above to Section 1704.8 which would further expand eligibility for state review. The needs assessment in Section 1703 requires each educator preparation provider seeking OSSE approval to examine enrollment practices to assess whether its candidates and completers reflect the racial and ethnic diversity of the student populations of the District of Columbia. Because this expectation applies to all educator preparation providers seeking approval, OSSE declines to base eligibility for state review on such efforts.

One commenter shared its concern about equity in the District of Columbia using CAEP and specialized professional association standards and processes and specifically provided that these standards would remove its flexibility with selection criteria, including its current requirement that its candidate cohort scores are in the fiftieth (50<sup>th</sup>) percentile on standardized exams. The commenter also provided that it would need three (3) years to satisfy CAEP and specialized professional association data requirements and that these requirements would force it to redesign its program and adjust its program length. Thirty-five states, including the District of Columbia have active state partnerships with the CAEP. At the time of OSSE drafting this rulemaking, all educator preparation providers based in institutions of higher education in the District of Columbia are accredited by CAEP and thereby, have met these standards. In October 2021, the DC State Board of Education approved the CAEP standards for all educator preparation providers in the District of Columbia. The CAEP standards have been updated with broader requirements for candidate selection criteria. OSSE has adopted specialized professional association standards for subject area programs in educator preparation providers in the District of Columbia. Specialized professional association standards are developed by professional associations for each subject area program and describe and make use of a specific knowledge base appropriate for professionals in a particular content area, including current research and best practices. OSSE has designed a state review process using the CAEP and specialized professional association standards for educator

preparation providers within alternate route organizations or institutions that are eligible to seek state review. OSSE plans to provide technical assistance to educator preparation providers seeking review using CAEP standards and specialized professional association standards as needed.

Another commenter requested that OSSE use consistent language in Sections 1704.6 and 1706.7: "...shall be required" and "...are required" regarding the requirement for educator preparation provider candidates to complete coursework addressing scientifically-based reading instruction. OSSE appreciates this suggestion and modified the language in Section 1706.7 to match that in Section 1704.6: "An elementary education subject area program, early childhood education subject area program, special education subject area program, reading subject area program, and any other subject area program preparing educator candidates with primary responsibility for literacy instruction *shall be required* to demonstrate to OSSE that its candidates are *required to complete coursework* that addresses competency and requires candidates to demonstrate competency in each of the five (5) components (phonemic awareness, phonics, oral reading fluency, vocabulary, and comprehension) of scientifically-based reading instruction."

The commenter also requested that OSSE clarify that it is educator preparation providers, not subject area programs, that have primary responsibility for literacy instruction. OSSE declines to make this revision. Section 1701.4 provides that a subject area program, operating within or independently of an educator preparation provider, is required to obtain OSSE program approval. Accordingly, subject area programs may have programming that prepares candidates who have primary responsibility for teaching literacy. Such subject area programs are required to provide evidence that their candidates demonstrate competency in scientifically-based reading instruction.

Finally, the commenter asked that OSSE ensure all public school teachers in District of Columbia local educational agencies are held to the same high and rigorous scientifically-based reading instruction standards. This would include all current teachers who may already be credentialed and have completed an approved EPP program. OSSE appreciates the recommendation that all public high school teachers in District of Columbia schools be held to high and rigorous standards. However, requirements for current, in-service teachers in District of Columbia are outside the scope of the rulemaking; as such, no changes were made to this section in response to this comment.

#### *1705 Approval Status*

Section 1705 outlines the various OSSE approval statuses and timeframes for educator preparation providers or subject area programs.

One commenter recommended that OSSE incorporate a three (3) to five (5) year provisional approval period for educator preparation providers seeking initial approval. OSSE declines to make this change to Section 1705. The rulemaking includes three approval statuses for educator preparation providers: full approval (seven (7) year term), approval with stipulations (two (2) year term), and probationary approval (no more than two (2) years), which match the CAEP approval statuses. OSSE's alignment of its approval statuses with the approval statuses maintained by the CAEP helps to ensure coherence and consistency across the approval statuses under which all District of Columbia educator preparation providers will operate, regardless of whether these educator preparation providers are accredited by the CAEP.

### *1706 Renewal of State Approval*

Section 1706 describes the policies and general procedures under which OSSE may renew an educator preparation provider's or subject area program's approval.

OSSE appreciates one commenter's commendation for requiring educator preparation providers that offer subject area programs with primary responsibility for teaching literacy to require candidates to demonstrate competency in scientifically-based reading instruction. This commenter also recommended that OSSE include data from annual reporting into the renewal process for educator preparation providers and subject area programs and added that OSSE should explicitly state that these data will be considered in renewal decisions. OSSE revised Section 1706.4(g) of the rulemaking to provide explicit notice to educator preparation providers that the information that OSSE reasonably requires to make an approval determination may include information related to the data that an educator preparation provider submits under Section 1709. This revision reflects OSSE's intent in Section 1706.4 for educator preparation providers to provide OSSE with relevant information for its application for approval renewal and adds transparency regarding what OSSE may consider in its approval determination.

Another commenter proposed that OSSE modify state review eligibility as follows: “(b) Can demonstrate that fifty percent (50%) or more of its *graduates that complete their practicum in the District of Columbia* are employed by local educational agencies in the District of Columbia per year; or (c) *Can demonstrate that the program meets any critical need for the District of Columbia as determined by OSSE, including supporting the district in building an educator workforce that reflects the racial and ethnic diversity of the student population of the District.* Consistent with OSSE's response concerning Section 1704.8, OSSE did not edit Section 1706.9(b) to further limit the pool of individuals for which an educator preparation provider can demonstrate eligibility for OSSE approval through state review. Similarly, OSSE did not add the recommendation (c) above to Section 1706.9 as OSSE does not wish to require an additional workforce needs demonstration for educator preparation providers seeking state review.

A commenter sought clarification on state review eligibility in Sections 1706.9 and 1706.10. Specifically, this commenter asked whether all subject area programs in alternate route organizations or institutions are eligible for state review. This commenter suggested that all subject area programs in educator preparation providers in alternate route organizations or institutions that meet the requirements of either Sections 1706.9(a) or 1706.9(b) should be eligible for state review. OSSE declines to broaden eligibility for state review to all subject area programs in all alternate route organizations or institutions. Instead, to help ensure consistency and coherence among educator preparation provider and subject area program reviews, OSSE will maintain the narrow eligibility conditions for state review and preserve this pathway for educator preparation providers in alternate route organizations or institutions that are not accredited by an external accreditor and meet the criteria in Sections 1706.9(a) or 1706.9(b). To ensure that this Section clearly communicates OSSE's intent, OSSE has clarified the language in Section 1706.10(b) to reflect that the reference to 1706.9 is specifically to Sections 1706.9(a) and (b).

OSSE also revised the reference in Section 1706.9 to “provider or program” to read “provider” instead. The reference to “program” was a drafting error.

### *1707 Denial, Probation, Suspension, and Revocation of State Approval*

Section 1707 describes the conditions under which OSSE may deny, put on probation, suspend, or revoke an educator preparation provider or subject area program approval.

One commenter requested that OSSE clarify if required annual reporting by educator preparation providers or subject area programs on probation, as referenced in Section 1707.4, is the same as the annual reporting required in Section 1709. OSSE appreciates this opportunity to provide clarification and has revised Section 1707.4 to clarify that the annual reporting requirements in Section 1709 remain in place while an educator preparation provider or subject area program is on probation.

OSSE also made an edit to Section 1707.10 to correct a drafting error by changing “each provision” to instead say “any provision.”

### *1709 Data Collection and Reporting*

Section 1709 describes the data from educator preparation providers that OSSE will collect and publicly report on an annual basis.

One commenter recommended that OSSE require educator preparation providers to report to OSSE and the public the number of educator candidates and faculty in their programs who are individuals with disabilities in addition to racial and ethnic demographic information in its annual data collection. The commenter shared that increasing the number of teachers with disabilities in District of Columbia schools will improve disability awareness, which will inspire all students, especially students with disabilities. OSSE appreciates the awareness and need to increase employment opportunities for teachers with disabilities. However, OSSE does not currently collect any data regarding educator preparation provider faculty, nor does OSSE collect data on candidate and program completer disability status from educator preparation providers. In recognition of the burden that creating a new data collection and adding additional metrics to the current data collection would create for educator preparation providers as they are working to implement the rulemaking, OSSE declines to make this change at this time.

Another commenter commended OSSE on its annual data reporting requirements to ensure transparency and contribute to the continuous improvement of teacher preparation, particularly as it relates to diversifying the workforce, which OSSE appreciates. This commenter also recommended that OSSE publish first-attempt and best-attempt pass rate data disaggregated by race and ethnicity of teacher candidates and that OSSE require educator preparation providers to specify whether candidates and program completers are placed in Title I, Part A schools under the Elementary and Secondary Education Act or other hard-to-staff schools. OSSE declines to make this revision because many of the educator preparation providers and subject area programs in the District of Columbia are small in size, which makes the recommended disaggregation less meaningful than it would be for a larger jurisdiction. OSSE will consider these recommendations for future data collection and reporting of educator preparation provider data.

### *1714 Waivers*

Section 1714 describes the conditions under which OSSE may waive compliance regarding one or more provisions of the rulemaking for an educator preparation provider or subject area program.

One commenter cautioned OSSE on its use of broad and general language that OSSE could waive for educator preparation providers, especially the needs assessment and data collection and reporting requirements. The commenter affirmed the needs assessment requirement and offered that this should only be waived in extreme need so that all educator preparation providers and subject area programs comply with the needs assessment requirements of the rulemaking. The commenter also expressed that any possibility of waiving data collection and reporting requirements would be a disservice to the public. OSSE appreciates the affirmation of the importance of these provisions and will consider these comments as it finalizes policy guidance but declines to incorporate any changes in this rulemaking because OSSE is committed to increasing accountability of educator preparation providers in the District, and as such, intends to waive the needs assessment and data collection and reporting requirements only in cases of extreme need or hardship on the educator preparation provider.

### *1799 Definitions*

Section 1799 provides definitions for terms and phrases used in the rulemaking.

One commenter asked if “annual reporting” should be defined in this section. OSSE did not add a definition for “annual reporting” as the term “annual reporting” sufficiently states that reporting will be conducted as least once per year.

OSSE clarified the definition of “alternate route organization or institution” to correct a drafting error in the Notice of Proposed Rulemaking. The definition now more accurately describes an alternate route organization and institution as: “A type of educator preparation provider in which candidates must possess a baccalaureate degree earned or, if earned outside the United States, be equivalent to a baccalaureate degree earned in the United States and serve as the teacher of record in a classroom, a school service provider, a school administrator, *or participate in a year-long educator preparation residency* in a school or local educational agency. An alternate route organization or institution may be based in an Institution of Higher Education or operate independently from an Institution of Higher Education. This change reflects common understanding of alternate route organizations and institutions and reflects the program structure of current DC alternate route organizations and institutions.

OSSE also clarified the definition of “subject area program” to correct a drafting error in the Notice of Proposed Rulemaking. The definition now more accurately reflects the understanding that a subject area program operates within an educator preparation *provider*. This change reflects common understanding of the language in the educator preparation space that an educator preparation provider offers coursework and clinical experiences as part of an educator candidate’s subject area program.

### *Technical Edits*

Other non-substantive punctuation, formatting, and typographical edits were made throughout the rulemaking.

## **V. Effective Date**

The State Superintendent of Education adopted this rulemaking as final on June 9, 2022 and the rulemaking shall become effective on July 24, 2022 (not less than thirty (30) days after the publication of this notice in the *District of Columbia Register*). Thirty (30) days following the effectiveness date of the final rulemaking, there will be a number of educator preparation providers and subject area programs for which OSSE approval will expire. This is because some programs are OSSE approved in accordance with an administrative abeyance, and extension thereof, of the approval process granted by OSSE and published in the *District of Columbia Register*. See 67 DCR 002011 (February 21, 2020) and 68 DCR 008978 (August 27, 2021). The administrative abeyance, and the subsequent extension of OSSE approval, will end thirty (30) days following publication of the notice of final rulemaking. At that time, OSSE will accept renewal applications for programs that have an expired OSSE approval on a rolling basis and in accordance with a scheduled timeframe issued in accordance with the rulemaking.

**A new Chapter 17, STATE APPROVAL OF EDUCATOR PREPARATION PROVIDERS AND SUBJECT AREA PROGRAMS, of Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, of Title 5, EDUCATION, of the DCMR is added to read as follows:**

### **CHAPTER 17 STATE APPROVAL OF EDUCATOR PREPARATION PROVIDERS AND SUBJECT AREA PROGRAMS**

1700	AUTHORITY AND PURPOSE
1701	GENERAL PROVISIONS
1702	APPLICABILITY
1703	NEEDS ASSESSMENT
1704	APPLICATION FOR INITIAL STATE APPROVAL
1705	APPROVAL STATUS
1706	RENEWAL OF STATE APPROVAL
1707	DENIAL, PROBATION, SUSPENSION, AND REVOCATION OF STATE APPROVAL
1708	ADMINISTRATIVE REVIEW
1709	DATA COLLECTION AND REPORTING
1710	ONGOING REPORTING REQUIREMENTS
1711	PROHIBITED ACTIVITIES AND REPRESENTATIONS
1712	REQUIREMENTS FOR LOSS OF STATE APPROVAL AND VOLUNTARY CLOSURE
1713	FEES
1714	WAIVERS
1799	DEFINITIONS

## **1700 AUTHORITY AND PURPOSE**

- 1700.1 This Chapter is authorized by section 1002 of the Second Omnibus Regulatory Reform Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-261; D.C. Official Code §§ 47-2853.04(a)(22),(a)(36), and (c)(3) (2012 Repl. and 2018 Supp.)) and sections 3(b)(11), (12), (15), and (17) of the State Education Office Establishment Act of 2000, effective October 21, 2000 ([D.C. Law 13-176](#); [D.C. Official Code §§ 38-2602\(b\)\(11\), 38-2602\(b\)\(12\), 38-2602\(b\)\(15\), and 38-2602\(b\)\(17\)](#)) (2012 Repl. and 2018 Supp.)).
- 1700.2 The purpose of this Chapter is to establish the requirements for state approval of educator preparation providers and subject area programs that prepare candidates who are eligible to earn an educator credential in the District of Columbia to teach in the District of Columbia Public Schools. The intent of the approval process is to ensure that candidates and program completers of educator preparation providers and subject area programs who seek an educator credential in the District of Columbia receive the training and practicum experiences to enable them to provide effective and high-quality education to District of Columbia Public School students.
- 1700.3 This Chapter is further intended to help ensure that the District of Columbia's educator preparation providers and subject area programs contribute to efforts to eliminate the District's existing opportunity gap along racial and ethnic group status. Research consistently demonstrates that all students, and particularly students from certain disadvantaged groups, benefit from access to racially and ethnically diverse teachers and school leaders.

## **1701 GENERAL PROVISIONS**

- 1701.1 District of Columbia regulations on the manner in which a person may obtain an educator credential are set forth in Chapter 16, District of Columbia Municipal Regulations, Title 5, Subtitle A.
- 1701.2 The several methods by which a person may obtain an educator credential include the successful completion of a subject area program approved by the Office of the State Superintendent of Education (OSSE), among other requirements.
- 1701.3 A person required to hold an educator credential to serve in a school-based role in the District of Columbia Public Schools shall do so in accordance with subject area sub-specializations contained in Chapter 16, District of Columbia Municipal Regulations, Title 5, Subtitle A, Section 1601.2.
- 1701.4 A subject area program, operating within or independently of an educator preparation provider, is required to obtain OSSE's approval of the program.

- 1701.5 If the approval of an educator preparation provider or subject area program expires thirty (30) days after the effective date of this chapter, OSSE shall extend the approval upon written request by the educator preparation provider or subject area program. The duration of the extension shall be in accordance with the scheduled timeframe for renewal as set by OSSE pursuant to Section 1701.6.
- 1701.6 Within thirty (30) days after the effective date of this chapter, OSSE shall issue a schedule including the timeframes by which an educator preparation provider or subject area program granted an extended approval in accordance with Section 1701.5 shall apply for renewal, if continued OSSE approval is desired by the educator preparation provider or subject area program.
- (a) For education preparation providers with an active approval by an external accreditor and subject area programs with an active recognition by a specialized professional association, the schedule shall be based on the expiration of such approval or recognition, as applicable.
- (b) For education preparation providers that do not have an active approval by an external accreditor and subject area programs that do not have an active recognition by a specialized professional association, the schedule shall be based on the date of last approval by OSSE and in the order of such approval, with the programs approved earlier in time being the first scheduled to apply for renewal.
- 1701.7 Educator preparation providers and subject area programs approved by OSSE shall comply with the provisions of this chapter unless otherwise exempted by District of Columbia laws or regulations.
- 1701.8 Educator preparation providers operating within an institution required to be licensed by the Higher Education Licensure Commission shall maintain compliance with all applicable requirements of the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. § 38-1301 *et seq.*) and its implementing regulations.
- 1701.9 Educator preparation providers operating outside of an institution required to be licensed by the Higher Education Licensure Commission shall maintain compliance with all applicable federal or District of Columbia laws or regulations or any policy, procedures, or standards of an entity that has governing authority of the educator preparation provider.

## **1702 APPLICABILITY**

- 1702.1 This chapter shall apply to educator preparation providers and subject area programs that prepare candidates eligible to earn an educator credential from the District of Columbia and teach in the District of Columbia Public Schools, including:

- (a) A traditional educator preparation provider operating within or as part of the offerings of an Institution of Higher Education (IHE);
- (b) An educator preparation provider offered by an alternate route organization or institution operating within or as part of the offerings of an IHE;
- (c) An educator preparation provider offered by an alternate route organization or institution operating independently of an IHE;
- (d) A subject area program operating within an educator preparation provider; and
- (e) A subject area program operating outside of an educator preparation provider but only if the subject area program operates within an IHE.

**1703 NEEDS ASSESSMENT**

1703.1 Before an educator preparation provider or subject area program submits a request for an initial or renewal of approval in accordance with this chapter, the educator preparation provider or subject area program shall submit a needs assessment. The intent of the needs assessment is to allow the educator preparation provider or subject area program to consider critically whether there is a demonstrated need for the preparation it is proposing to provide before it applies for state approval.

1703.2 A needs assessment shall include at a minimum:

- (a) A description and evidence of how the educator preparation provider or subject area program, as applicable:
  - (1) Examines its enrollment practices to assess whether its candidates and completers reflect the racial and ethnic diversity of the student populations of the District of Columbia Public Schools;
  - (2) Ensures its candidates and completers are provided practicum and clinical experience opportunities to practice the application of course knowledge in different school and classroom settings; at various times during the school day; and to provide whole class, small group, and one-on-one instruction; and
  - (3) Makes efforts to provide its candidates and completers with coursework, practicum, and clinical experience opportunities with racially and ethnically diverse faculty, to appropriately adapt instruction to meet the needs of all students.

- (b) A description and evidence of how the educator preparation provider or subject area program, as applicable, is responsive to:
  - (1) OSSE-identified data-driven current and anticipated national, regional, or local workforce needs for schools and subject areas; and
  - (2) Evidence of demonstrated potential candidate interest for enrolling in a specific provider or program.
- (c) A description and evidence of how the educator preparation provider or subject area program, as applicable, plans to sustain its operation, including actual candidate enrollment at a level that is sufficient to sustain the provider or program.

**1704 APPLICATION FOR INITIAL STATE APPROVAL**

- 1704.1 An educator preparation provider or subject area program shall submit to OSSE an application for state approval in such a form as OSSE may prescribe.
- 1704.2 Except as permitted in Section 1704.8, an educator preparation provider shall submit evidence of accreditation by an external accreditor. If the provider is accredited, OSSE shall make an approval determination based on the provider’s accreditation status and information that the education preparation provider submits in its application.
- 1704.3 An application for state approval of an educator preparation provider shall include the following:
  - (a) A statement signed by an authorized official of the educator preparation provider certifying that the information in the application is current, true, and accurate;
  - (b) The mailing address, telephone number, and website address;
  - (c) Organizational background and history;
  - (d) The names and qualifications of key administrative and programmatic staff and faculty;
  - (e) A statement describing the program structure and requirements;
  - (f) A statement describing any authorization, license or approval, other than accreditation, which the educator preparation provider has or previously held from another jurisdiction, which shall include the following:

- (1) The type of authorization, license, or approval;
  - (2) The name of the issuing agency;
  - (3) The term and expiration date of the authorization, license, or approval;
  - (4) Any conditions to which the authorization, license, or approval is subject;
  - (5) Any pending application for authorization, license, or approval; and
  - (6) Any revocation or other action limiting the authorization, license, or approval that occurred during the five (5) years preceding application for state approval and the reasons for the revocation or other action limiting the authorization, license, or approval; and
- (g) Such other information as OSSE may reasonably require to render an approval determination.

1704.4 Except as provided in Section 1704.9, a subject area program shall submit documentation that the program is recognized by a specialized professional association (SPA). If the program is recognized by the applicable SPA, OSSE shall make an approval determination based on the recognition by the SPA and information that the subject area program submits in its application.

1704.5 An application for state approval of a subject area program shall include the following:

- (a) A statement signed by an authorized official of the subject area program certifying that the information in the application is current, true, and accurate;
- (b) The mailing address, telephone number, and website address of the program;
- (c) Organizational background and history of the program;
- (d) The names and qualifications of key administrative and programmatic staff and faculty of the program;
- (e) A statement describing the program structure and requirements;
- (f) A statement describing any recognition, license or approval, which the subject area program has or previously held from another jurisdiction, which shall include the following:

- (1) The type of recognition, license, or approval;
  - (2) The name of the issuing agency or specialized professional association;
  - (3) The term and expiration date of the recognition, license, or approval;
  - (4) Any conditions to which the recognition, license, or approval is subject;
  - (5) Any pending application for recognition, license, or approval; and
  - (6) Any revocation or other action limiting the recognition, license, or approval that occurred during the five (5) years preceding application for state approval and the reasons for the revocation or other action limiting the recognition, license, or approval; and
- (g) Such other information as OSSE may reasonably require to render an approval determination.

1704.6 An elementary education subject area program, early childhood education subject area program, special education subject area program, reading subject area program, and any other subject area program preparing educator candidates with primary responsibility for literacy instruction shall be required to demonstrate to OSSE that its candidates are required to complete coursework that addresses competency and requires candidates to demonstrate competency in each of the five (5) components (phonemic awareness, phonics, oral reading fluency, vocabulary, and comprehension) of scientifically-based reading instruction.

1704.7 A subject area program that does not operate within an educator preparation provider shall submit evidence to OSSE that it operates within an IHE and has notified the educator preparation provider operating within that IHE. The subject area program and IHE shall submit a written agreement to OSSE that will govern in the event of a closure of the subject area program. This agreement shall address how the subject area program and IHE will meet data collection and reporting requirements included in this chapter after closure of the program.

1704.8 An educator preparation provider may request state review by OSSE if the provider is an alternate route organization or institution that does not have accreditation by an external accreditor and either:

- (a) Operates solely in the District of Columbia; or

- (b) Can demonstrate that fifty percent (50%) or more of its program completers are employed by local educational agencies in the District of Columbia per year, in each of the three (3) years preceding submission of the application.

1704.9 A subject area program may request state review by OSSE if either:

- (a) A specialized professional association does not exist for the subject area program; or
- (b) The educator preparation provider in which the subject area program operates is an alternate route organization or institution that meets one of the conditions set forth in 1704.8.

1704.10 The purpose of a state review is for OSSE to determine whether the educator preparation provider or subject area program meets the same or comparable standards to those established by an external accrediting body, a specialized professional association, or other OSSE standards, as applicable.

1704.11 OSSE shall adopt standards for purposes of determining the approval status of an educator preparation provider or subject area program during a state review, as follows:

- (a) In the case of an educator preparation provider, OSSE shall adopt the standards established by an external accrediting body and make those standards publicly available; and
- (b) In the case of a subject area program for which a specialized professional association does not exist, OSSE shall adopt the same or comparable standards to those established by a specialized professional association and make those standards publicly available.

1704.12 A state review shall include:

- (a) The designation of a review team by OSSE, which shall have external peer reviewers and other persons as determined by OSSE;
- (b) Examination of documentary evidence by the review team;
- (c) A virtual or on-site visit by the review team;
- (d) Preparation of a report by OSSE, which shall contain the review team's recommendation for state approval;
- (e) Submission of OSSE's report to the educator preparation provider or subject area program, as applicable;

- (f) An opportunity for the education preparation provider or subject area program, as applicable, to submit a written response setting forth any factual errors and any available documentation to support its claims of factual errors;
- (g) Review by the review team of each response submitted by the educator preparation provider or subject area program, as applicable, and submission by the review team of amendments to the OSSE report, as determined necessary by the review team; and
- (h) Review by OSSE of the review team's amendments to the report and a determination by OSSE to accept or reject the review team's recommendation.

1704.13 OSSE shall approve or deny the application and provide written notice of the decision to the educator preparation provider or subject area program.

**1705 APPROVAL STATUS**

1705.1 OSSE may, at its discretion, grant fully approved status to an educator preparation provider or subject area program if the program has received accreditation by an external accreditor or recognition by a specialized professional association, as applicable, or, if the provider or program meets requirements from a state review. Full approval status shall be valid for up to seven (7) years from the date of issuance.

1705.2 OSSE may, in its discretion, award approval with stipulations to an educator preparation provider or subject area program if the program receives an accreditation with stipulations status from an external accreditor or a recognition with conditions from a specialized professional association, as applicable, or, if the provider or program sufficiently meets all standards to earn approval from a state review, but has one or more deficiencies that require resolution within two (2) years. Approval with stipulations shall be valid for two (2) years.

1705.3 OSSE may, in its discretion, award probationary approval to an educator preparation provider or subject area program if the provider or program receives a probationary accreditation status from an external accreditor or probationary approval from a specialized professional association, as applicable, or, if the application and supporting documents do not meet all standards from a state review. OSSE shall identify the standards that have not been met and the conditions and duration of the probation. Probationary approval shall not exceed two years.

**1706 RENEWAL OF STATE APPROVAL**

- 1706.1 An educator preparation provider or subject area program may request that OSSE renew state approval of the provider or program beyond the initial state approval period.
- 1706.2 An application for renewal shall be submitted by the educator preparation provider or subject area program, as applicable, no later than one hundred and eighty (180) calendar days prior to the expiration date of the current approval.
- 1706.3 Except as provided in Section 1706.9, an educator preparation provider shall submit a renewal accreditation determination by an external accreditor. If the provider accreditation has been renewed, OSSE shall make an approval determination based on the provider's accreditation status and information that the educator preparation provider submits in its application for renewal.
- 1706.4 An application for renewal of an educator preparation provider shall include the following:
- (a) A statement signed by an authorized official of the educator preparation provider certifying that the information in the application is current, true, and accurate;
  - (b) The mailing address, telephone number, and website address of the provider;
  - (c) Organization background and history of the provider;
  - (d) The names and qualifications of the provider's key administrative and programmatic staff and faculty;
  - (e) A statement describing the program structure and requirements of the provider;
  - (f) A statement describing any authorizations, licenses or approvals, other than accreditation, which the educator preparation provider has or previously held from another jurisdiction, which shall include the following:
    - (1) The type of authorization, license, or approval;
    - (2) The name of the issuing agency;
    - (3) The term and expiration date of the authorization, license, or approval;
    - (4) Any conditions to which the authorization, license, or approval is subject;
    - (5) Any pending application for authorization, license, or approval; and

- (6) Any revocation or other action limiting the authorization, license, or approval that occurred during the five (5) years preceding application for state approval and the reasons for the revocation or other action limiting the authorization, license, or approval; and
- (g) Such other information as OSSE may reasonably require to render an approval determination. Data that an educator preparation provider reports to OSSE in accordance with Section 1709 may serve as a basis for OSSE to require additional information for purpose of the approval determination.

1706.5 Except as provided in Section 1706.10, a subject area program shall submit documentation as evidence that it continues to be recognized by an SPA. If the program continues to be recognized by the applicable SPA, OSSE shall make an approval determination based on the recognition by the SPA and information that the subject area program submits in its application.

1706.6 An application for renewal of a subject area program shall include the following:

- (a) A statement signed by an authorized official of the subject area program certifying that the information in the application is current, true, and accurate;
- (b) The mailing address, telephone number, and website address of the program;
- (c) Organizational background and history of the program;
- (d) The names and qualifications of program's key administrative and programmatic staff and faculty;
- (e) A statement describing the program structure and requirements;
- (f) A statement describing any recognition, license or approval, which the subject area program has or previously held from another jurisdiction, which shall include the following:
  - (1) The type of recognition, license, or approval;
  - (2) The name of the issuing agency or specialized professional association;
  - (3) The term and expiration date of the recognition, license, or approval;
  - (4) Any conditions to which the recognition, license, or approval is subject;

- (5) Any pending application for recognition, license, or approval; and
- (6) Any revocation or other action limiting the recognition, license, or approval that occurred during the five (5) years preceding application for state approval and the reasons for the revocation or other action limiting the recognition, license, or approval; and
- (g) Such other information as OSSE may reasonably require to render an approval determination.

1706.7 An elementary education subject area program, early childhood education subject area program, special education subject area program, reading subject area program, and any other subject area program preparing educator candidates with primary responsibility for literacy instruction shall be required to demonstrate to OSSE that its candidates are required to complete coursework that addresses competency and requires candidates to demonstrate competency in each of the five (5) components (phonemic awareness, phonics, oral reading fluency, vocabulary, and comprehension) of scientifically-based reading instruction.

1706.8 A subject area program that does not operate within an educator preparation provider shall submit evidence to OSSE that it operates within an IHE and has notified the educator preparation program operating within the IHE of its operating status.

1706.9 An educator preparation provider may request state review by OSSE of its renewal application if the provider is an alternate route organization or institution that does not have accreditation by an external accreditor and either:

- (a) Operates solely in the District of Columbia; or
- (b) Can demonstrate that fifty percent (50%) or more of its program completers are employed by local educational agencies in the District of Columbia per year, in each of the three (3) years preceding submission of the application.

1706.10 A subject area program may request state review by OSSE if either:

- (a) A specialized professional association does not exist for the subject area program; or
- (b) If the educator preparation provider in which the subject area program operates is an alternate route organization or institution that meets one of the conditions set forth in Section 1706.9(a) or Section 1706.9(b).

1706.11 State review for a renewal application shall be conducted in accordance with § 1704.12, except that after reviewing the renewal application, OSSE may determine

that a virtual or on-site visit is not necessary. If an on-site visit is determined necessary, OSSE and the review team shall meet with representatives of the educator program provider or subject area program, as applicable, to review the application.

1706.12 OSSE shall approve or deny the application and provide written notice of OSSE's decision to the educator preparation provider or subject area program.

**1707 DENIAL, PROBATION, SUSPENSION, AND REVOCATION OF STATE APPROVAL**

1707.1 OSSE may deny state approval to an educator preparation provider or subject area program pursuant to sections 1704, 1706, and 1711.

1707.2 An educator preparation provider or subject area program may be placed on probation for failing to meet any federal or District of Columbia law or regulation, or to comply with data collection obligations set forth by this chapter.

1707.3 Probation may last for two (2) years unless the educator preparation provider or subject area program presents evidence that would otherwise qualify the program for full state approval. If the provider or program provides sufficient evidence, as determined by OSSE, then the program may be granted or returned to fully approved status.

1707.4 While an educator preparation provider or subject area program is on probation, it shall continue to provide all annual reporting, as described in Section 1709.1.

1707.5 Throughout the probationary period, OSSE shall monitor the progress of an educator preparation provider or subject area program towards attaining full approval. Monitoring shall include review of required data reports and monitoring visits as deemed necessary.

1707.6 OSSE may revoke state approval if, after the two-year probation period, it deems an educator preparation provider or subject area program to have not made satisfactory progress toward meeting the standards, reporting or compliance requirements as set forth in this chapter.

1707.7 If the educator preparation provider or subject area program is deemed to be making satisfactory progress by the end of the two-year probationary period, the period of probation may be extended for an additional two years. Within thirty (30) days of the notification to the program that its probation is renewed for an additional two-year probationary period, the program shall notify each candidate individually in writing of its probationary status and provide documentation of the notification to OSSE.

1707.8 OSSE may suspend or revoke state approval of an educator preparation provider or subject area program that is placed on a probationary approval by OSSE, an

external accreditor, or an applicable specialized professional association if the program fails to correct deficiencies under the timeline required by OSSE, the accreditor, or the association, respectively.

1707.9 The notice of intent by OSSE to assign probationary approval shall be in writing and include the following:

- (a) A statement of the proposed probationary approval, specifying the bases for the proposed action;
- (b) Notice of the effective date of the proposed probationary approval; and
- (c) A description and timeline of the required evidence, data reports, and monitoring visits as deemed necessary to address the deficiency that resulted in the probationary approval.

1707.10 OSSE may suspend or revoke state approval of an educator preparation provider or subject area program without first placing the provider or program on probation, if the provider or program fails to comply with any provision of this chapter after OSSE has given notice of that failure to comply and under the timeline required by OSSE.

1707.11 The notice of intent to deny, suspend, or revoke approval shall be in writing and include the following:

- (a) A statement of the proposed denial, suspension, or revocation, specifying the bases for the proposed action;
- (b) Notice of the effective date of the proposed denial, suspension, or revocation;
- (c) Notice that an educator preparation provider or subject area program may request an administrative review of the proposed denial, suspension, or revocation by submitting a written request to the State Superintendent or designee, subject to the requirements set forth in subsection 1708.1, within fifteen (15) business days of the date of the written notice; and
- (d) Notice that the proposed action shall become final without an administrative review on the sixteenth (16) business day after the date of the notice of the proposed action if the educator preparation or subject area program fails to request an administrative hearing within the time and in the manner specified.

1707.12 OSSE shall provide written notice of its final action to the educator preparation provider or subject area program if no administrative review is requested.

1707.13 The education preparation provider or subject area program shall notify each candidate individually in writing of a final action by OSSE to deny, suspend, or revoke approval of the program no later than fifteen (15) business days of the date of OSSE's final action or administrative determination and provide documentation of the notification to OSSE.

1707.14 An educator preparation provider shall notify the Higher Education Licensure Commission (established in accordance with the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*) in writing, of a final action or administrative determination by OSSE to deny, suspend, or revoke approval of the program no later than fifteen (15) business days of the date of OSSE's final action.

## **1708 ADMINISTRATIVE REVIEW**

1708.1 OSSE shall conduct an administrative review requested by an educator preparation provider or subject area program alleging that OSSE has failed to follow the procedures as outlined in sections 1701 through 1706.

1708.2 The written request for administrative review shall:

- (a) Not exceed twenty (20) double-spaced pages;
- (b) Be limited to evidence or information previously provided to or collected by OSSE;
- (c) Include a concise statement of the facts giving rise to the request for administrative review;
- (d) Include a statement explaining the contention that OSSE failed to follow the outlined procedures; and
- (e) Include a statement of the specific relief sought.

1708.3 Within ten (10) business days of receipt of a written request for administrative review, the State Superintendent, or his/her designee, shall designate a three (3) member intra-agency review panel of OSSE employees to conduct an off-site review of written documentation and materials.

1708.4 The intra-agency review panel shall not include an OSSE employee who had direct involvement in the proposed decision to deny, suspend, or revoke the approval status of the educator preparation or subject area program requesting review.

1708.5 Within thirty (30) business days of the State Superintendent's designation, the intra-agency review panel shall convene to review the written request for administrative review, the agency record, and any permissible supporting documentation.

- 1708.6 The intra-agency review panel may affirm or reverse the OSSE proposed action.
- 1708.7 The panel shall provide the educator preparation provider or subject area program with the panel's written decision, including the panel's basis for its decision, within thirty (30) business days of the convening of the panel.
- 1708.8 A written decision by the panel to affirm or reverse OSSE's proposed action shall be deemed the final administrative determination.
- 1708.9 If an educator preparation provider or subject area program fails to request administrative review within fifteen (15) business days of the date of the proposed notice to deny, suspend, or revoke its approval, then OSSE's intended action shall become OSSE's final administrative determination.

## **1709 DATA COLLECTION AND REPORTING**

- 1709.1 OSSE shall annually collect and publicly report data from an educator preparation provider, including:
- (a) All data required for collection under the Higher Education Act of 1965, 20 U.S.C. § 1001 (2012);
  - (b) Educator candidate and program completer demographic information;
  - (c) Educator candidate and program completer certification information;
  - (d) Enrolled candidate and recent graduate Praxis or equivalent licensing exams pass rates;
  - (e) Enrolled candidate and recent graduate employment and placement outcomes; and
  - (f) Candidate and program completer performance.

## **1710 ONGOING REPORTING REQUIREMENTS**

- 1710.1 An educator preparation provider or subject area program that is approved by OSSE and is approved by another jurisdiction shall report to OSSE within forty-five (45) days any probation, suspension, denial, or revocation determination by another accreditor, specialized professional association, state, or jurisdiction concerning its accreditation, approval or recognition status for the following reasons:
- (a) The provider made a misrepresentation to the public, a program participant, or a potential participant regarding the requirements for program

completion or educator credentialing in the state or jurisdiction in which it is approved; or

- (b) The provider intentionally obtained or attempted to obtain approval through misrepresentation, fraud, misleading or incomplete information.

## **1711 PROHIBITED ACTIVITIES AND REPRESENTATIONS**

1711.1 An educator preparation provider or subject area program shall not make any representation suggesting that it:

- (a) Is approved by the District of Columbia prior to OSSE's issuance of an initial approval;
- (b) Has received renewed approval prior to OSSE's issuance of a renewal approval;
- (c) Is fully approved during a period of approval with stipulations or probationary approval; or
- (d) Is approved during a period of suspension.

1711.2 An educator preparation provider or subject area program shall not:

- (a) Misrepresent to the public, a program participant, or a potential participant the requirements for program completion or educator credentialing in the District of Columbia; or
- (b) Intentionally obtain or attempt to obtain approval through misrepresentation, fraud, misleading or incomplete information.

## **1712 REQUIREMENTS FOR LOSS OF STATE APPROVAL AND VOLUNTARY CLOSURE**

1712.1 An educator preparation provider or subject area program that expects to close due to a decision to voluntarily close or the revocation of its state approval shall submit a written closure plan to OSSE and shall plan for the safekeeping of its records.

1712.2 An educator preparation provider that expects to close shall submit its written closure plan in the form and manner set by OSSE, not less than ninety (90) days before the expected date of closure.

1712.3 A subject area program that expects to close shall provide the educator preparation provider in which it operates with sufficient information such that the educator preparation provider shall:

- (a) Notify OSSE of the subject area program's intent to close not less than forty-five (45) days before the expected date of closure; and
- (b) Provide a completed copy of the subject area program closure plan to OSSE not more than fifteen (15) days prior to the date of closure for the subject area program.

**1713 FEES**

- 1713.1 Each request for state review and approval under subsections 1704.8, 1704.9, 1706.9, and 1706.10 submitted pursuant to this chapter shall be accompanied by a fee established by OSSE.
- 1713.2 The fee for an educator preparation provider seeking initial state approval pursuant to section 1704.8 shall be five thousand dollars (\$5,000).
- 1713.3 The fee for an educator preparation provider seeking renewed state approval pursuant to section 1706.9 shall be two thousand five hundred dollars (\$2,500).
- 1713.4 The fee for a subject area program seeking initial state approval pursuant to 1704.9 shall be one thousand dollars (\$1,000).
- 1713.5 The fee for a subject area program seeking renewed state approval pursuant to section 1706.10 shall be five hundred dollars (\$500).
- 1713.6 Fees shall be made payable to the D.C. Treasurer, as specified by OSSE.

**1714 WAIVERS**

- 1714.1 OSSE may waive compliance with one (1) or more provisions of sections 1703, 1709, or 1713 of this chapter, if OSSE determines that the following conditions have been satisfied, and the waiver request does not conflict with the intent and purposes of this chapter as determined by OSSE:
  - (a) The demonstrated immediate economic impact or hardship on the educator preparation provider or subject area program is sufficiently great to make immediate compliance impractical despite diligent efforts; or
  - (b) The educator preparation provider provides evidence to OSSE demonstrating that it meets or exceeds the intent of the specific regulation for which the waiver is requested in a manner other than that prescribed by the regulation.
- 1714.2 An educator preparation provider or subject area program may apply for a waiver by submitting a written request to OSSE that shall include the following:

- (a) Citation of the section(s) in this chapter for which a waiver is being sought;
- (b) The waiver sought;
- (c) Clear and convincing evidence of:
  - (1) The immediate economic impact or hardship on the educator preparation provider or subject area program; or
  - (2) How the intent of the specific regulation shall be achieved in a manner other than that prescribed by the regulation.

1714.3 Any waiver issued in accordance with Section 1714.1 may be revoked by OSSE at any time with reasonable notice, either upon violation of any condition attached to it, or upon the determination by OSSE that continuance of the waiver is no longer required.

1714.4 OSSE shall provide notification of waiver approval. Any waiver issued shall expire on the date as indicated in the notification of waiver approval.

## 1799 DEFINITIONS

1799.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

**Accreditation** -- The decision rendered by a national or regional accrediting body for an educator preparation provider affirming that an educator preparation provider meets the body's standards and requirements.

**Alternate Route Organization or Institution** -- A type of educator preparation provider in which candidates must possess a baccalaureate degree earned or equivalent to a baccalaureate degree earned in the United States and serve as the teacher of record in a classroom, a school service provider, a school administrator, or participate in a year-long educator preparation residency in a school or local educational agency. An alternate route organization or institution may be based in an Institution of Higher Education or operate independently from an Institution of Higher Education.

**Candidate** -- An individual enrolled in an educator preparation program who is preparing for or serving in a position as a teacher of record in a school that may serve students from pre-school through adult education.

**Educator** -- a teacher, school service provider, or school administrator in a District of Columbia school or local educational agency

**Educator Preparation Provider** -- An institution or organization that offers and

directs the training and experiences that may lead to a candidate's eligibility to apply for an educator credential.

**External Accreditor** -- A national or regional accreditor whose standards have been approved by the State Board of Education of the District of Columbia.

**Graduate** -- An individual who has met all the requirements of a state-approved educator preparation program and earned a Bachelor's or Master's degree from that program.

**Institution of Higher Education** -- A college, university, or other postsecondary educational institution authorized to confer degrees or certificates and approved by the Higher Education Licensure Commission to operate in the District of Columbia, in accordance with D.C. § 38-1301 *et seq.*) and its implementing regulations.

**Literacy Instruction** -- The teaching and assessment of the ability to talk, listen, read and write, leading to the ability to communicate and learn. Literacy is a combination of skills in vocabulary, receptive and expressive language, phonological awareness, knowledge of print, comprehension and printed materials.

**Local Educational Agency (LEA)** -- A publicly funded educational institution having administrative control and direction of a public elementary or secondary school in the District of Columbia. As used in this chapter, the term includes the District of Columbia Public Schools and District of Columbia public charter schools.

**Performance** -- An LEA's determination of a teacher as either effective or ineffective.

**Program Completer** -- An individual who has met all the program requirements of a state-approved educator preparation provider.

**Specialized Professional Association** -- A national organization that defines content area standards for a specific subject area program and upon application by a subject area program issues periodic recognition to programs that meet such content standards.

**Standard** -- The level of programmatic quality and organizational performance to which educator preparation providers and subject area programs are held.

**State Superintendent** -- The head of OSSE appointed by the Mayor pursuant to D.C. Official Code § 38-2601.

**Subject Area Program** -- A program that provides a sequence of required courses and experiences for the preparation of candidates to become educators in a specific area, subject, or category and that operates: (i) within an educator preparation

provider; or (ii) within an IHE but not under the auspices of an educator preparation provider.