



DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

To: State Board of Education

From: Hanseul Kang, State Superintendent of Education

Date: February 26, 2016

Re: APPROVAL REQUEST: Final Rulemaking – Credit Flexibility

This memo provides an update on credit flexibility rulemaking and requests approval for final rulemaking. The State Board of Education passed a resolution on December 16, 2015 advising the Office of the State Superintendent of Education (OSSE) to consider the High School Credit Flexibility Task Force's recommendations and discussion as outlined in its report, and to initiate rulemaking to implement the recommendations. Accordingly, OSSE published a Notice of Proposed Rulemaking in the *D.C. Register* on January 22, 2016, at 63 DCR 4.

Proposed Rules (published January 22, 2016)

The proposed rules maintain the Carnegie Unit as the default means for earning units towards graduation and create a waiver process for schools desiring to pursue competency-based learning. In addition, the proposed rulemaking requires students to enroll in Algebra I by 10th grade unless the school is granted a waiver to pursue competency-based learning. This adds flexibility to this requirement, while acknowledging that a specific three-course sequence is required for graduation from high school. Finally, the proposed rules allow students to receive credit for attaining a minimum score on an OSSE-approved assessment.

The proposed rules were published for a thirty (30) day public comment period. The comment period officially closed on February 22, 2016 and OSSE received 25 comments from advocates and members of the regulated community as discussed below.

Comments Received

OSSE received several comments requesting the proposed rules increase the Physical and Health Education graduation requirements to 2.0 Carnegie Units. OSSE recognizes the importance of physical and health education, however, OSSE and the State Board did not intend to address the actual course requirements through the current rulemaking. Therefore, OSSE looks forward to conducting a broader review of the courses required for graduation over the course of 2016 and reconsidering this issue through a separate rulemaking action.

Additionally, based on the comments, OSSE made certain clarifying technical amendments to the proposed regulations, which the Office of the Attorney General determined were non-substantive in nature and therefore did not necessitate a revised notice of proposed rulemaking. These amendments include: (1) striking "through 2203.9" from subsection 2203.1 as it was inadvertently included; (2) adding "and annually thereafter" in subsection 2203.7(c) which the Superintendent intended to include in the proposed rulemaking but was omitted in error; (3) striking "or one hundred and fifty (150) hours of laboratory instruction" from the definition of "Carnegie Unit" in subsection 2299.1 to mirror current

practice; and (4) striking “a public or public charter school in the District of Columbia” and inserting “a school within the District of Columbia Public School system or a public charter school in the District of Columbia” from the definition of “school” in subsection 2299.1 in response to a commenter seeking clarity in the definition.

Finally, OSSE received several comments regarding subsection 2203.7(b), which would allow students to receive a unit equivalent to a Carnegie Unit for attaining a minimum score on an OSSE approved assessment. In parallel, OSSE engaged in discussions with the State Board of Education regarding alternative language related to this subsection. Given the range of the comments received and the dialogue with the Board, OSSE believes further discussion on this topic would be beneficial. Thus, the final rulemaking would not adopt subsection 2203.7(b) as included in the Notice of Proposed Rulemaking. OSSE would reserve the subsection to allow for further examination of this issue. Accordingly, the final rulemaking would also strike “and (b)” from subsection 2203.7(c) as it referenced subsection 2203.7(b). OSSE looks forward to reconsidering this issue in partnership with the State Board in the future.

Final Rulemaking (to be published in April 2016, following Board approval)

Accordingly, OSSE intends to make the following non-substantive clarifications, redlined below, in the final rulemaking, such that it reads:

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

[...]

2203.7 Beginning with School Year 2016-2017:

(a) The District of Columbia Public Schools (“DCPS”) or the Public Charter School Board (“PCSB”) may waive the Carnegie Unit requirement set forth in subsection 2203.3 for a school seeking to award competency-based unit(s), as defined in this chapter, accordingly:

- (1) A school that seeks a waiver from the Carnegie Unit requirement to award competency-based unit(s) shall submit an application to either the DCPS or PCSB. If a charter school is part of an LEA, the application must be submitted to the PCSB through the LEA;
- (2) Applications for a waiver to award competency-based unit(s) shall be in the format established by the Office of the State Superintendent of Education (“OSSE”) and contain the information required by OSSE; and
- (3) The DCPS or PCSB, respectively, shall review the school’s application in accordance with the standards and requirements established by OSSE. If the school’s application meets the standards and requirements established by OSSE, the DCPS or PCSB, respectively shall approve the school’s application for a waiver to award competency-based unit(s);

(b) ~~An LEA may award a unit equivalent to a Carnegie Unit to a student who is not enrolled in a course, or who has not completed a course, if the student attains a minimum score, as set by OSSE, on a corresponding OSSE approved assessment; and [RESERVED]~~

(c) OSSE shall make publicly available aggregated evidence of annual implementation of subsections 2203.6(a) ~~and (b)~~ in a summative report no later than three years after initial implementation, and annually thereafter, to share best practices and lessons learned from implementation.

[...]

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

“Carnegie Unit” - one hundred and twenty (120) hours of classroom instruction ~~or one hundred and fifty (150) hours of laboratory instruction~~ over the course of an academic year.

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

[...]

“School” - means a school within the District of Columbia Public School system or a public charter school in the District of Columbia. ~~a public or public charter school in the District of Columbia.~~

Therefore, other than not adopting subsection 2203.7(b), the final rules would be adopted in substantially the same form as proposed with clarifications and deletions taking into account suggestions received in public comments. These changes would not substantially alter or change the intent, meaning, or application of the proposed rules or exceed the scope of the rules as published with the notice of proposed rulemaking.

REQUESTED ACTION:

I am requesting that the State Board of Education approve the final rulemaking for publication in the D.C. Register, with the amendments to the proposed rulemaking presented above.