

DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION



MEMORANDUM

TO: Jack Jacobson
President, D.C. State Board of Education

FROM: Hanseul Kang
Acting State Superintendent of Education

DATE: March 31, 2015

SUBJECT: State Diploma

The Office of the State Superintendent of Education (OSSE) thanks the State Board of Education (SBOE) for your continued support to improve the educational outcomes of District students. On April 10, 2015, OSSE will publish the proposed State Diploma rulemaking in the *D.C. Register* for a public comment period of thirty (30) days. To ensure transparency and address any potential questions, OSSE provides context for the proposed rulemaking as follows:

I. Background/Purpose

The purpose of the proposed rulemaking is to add a subsection to Section § 2202 of Title 5-E of the D.C. Municipal Regulations (DCMR) establishing a state high school diploma that will be provided to District of Columbia students attending and completing the graduation requirements set forth in Title 5-E DCMR § 2203 (Graduation: Academic Requirements)¹ at a school managed by the state education agency, OSSE.

At this time, the regulations do not explicitly provide the state education agency (SEA) the authority to issue high school diplomas. Rather, the regulations require the “Superintendent of Schools,” now known as the Chancellor of DCPS², to sign the diploma which implies the regulations, as written, only intended to grant authority to a local education agency (LEA) to confer diplomas. Without the proposed rulemaking, students attending a school managed by OSSE will not have a means to obtain a diploma upon completing graduation requirements. Therefore, OSSE had determined that official rulemaking language which explicitly grants authority to issue diplomas to students meeting graduation requirements at a SEA managed school is necessary to ensure that the diplomas conferred by OSSE are legitimate.

¹ The graduation requirements set forth in Title 5-E DCMR § 2203 require students to complete 24.0 Carnegie Units in corresponding subjects and 100 community service hours.

² Per D.C. Law 17-9, the “Public Education Reform Act,” the term “Superintendent of Schools” was replaced with Chancellor of DCPS.

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Currently, and since OSSE's inception, OSSE has managed only one school – Hospitality High School of Washington D.C. On August 12, 2014, Mayor Vincent Gray issued Mayor's Order 2014-196 (Order) delegating authority to manage Hospitality High School to OSSE, including any and all actions authorized to be performed in direct management of the school. *See* Mayor's Order 2014-196, dated August 12, 2014. The Mayor delegated this authority to OSSE pursuant to D.C. Code § 38-1802.12(d)(5)(A) (2012 Repl.), which states: "If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may: [m]anage the school directly until alternative arrangement can be made for students at the school."³ This Order delegated OSSE the authority to: "execute and deliver any other document, contract, agreement, statement or instrument required by or incidental to the management of Hospitality High School," – but the Order did not explicitly provide authority to issue diplomas.

Since then OSSE has contracted with a management firm to manage the day to day operations of Hospitality High School, which includes reviewing transcripts to evaluate credits earned towards graduation eligibility. However, Hospitality High School has signed an agreement to merge with DCPS in the 2015-2016 school year, and it will therefore no longer be under the management of OSSE next school year.

II. Key Elements of Proposed Regulations

The proposed rulemaking reads as follows:

2202.10 A student enrolled in a school managed by the state education agency, the Office of the State Superintendent of Education (OSSE), who has successfully completed the requirements set forth in Title 5-E DCMR § 2203 (Graduation: Academic Requirements) shall be eligible for a high school diploma from OSSE. The diploma of a student graduating from a school operated by the State shall bear the signature of the State Superintendent of Education and the seal of OSSE.

The proposed rulemaking limits the State Diploma to students enrolled in a school managed by OSSE and who meet the District's graduation requirements, which are subject to the approval of SBOE. The diploma conferred by OSSE does not differ from a diploma conferred by DCPS or public charter schools. A diploma bearing the OSSE seal and the State Superintendent's signature represents that a student has completed the graduation requirements set forth in the Title 5-E DCMR § 2203 in the same way, for example, that a diploma bearing the DCPS seal and

³ The Mayor also delegates her authority to manage DCPS to the Chancellor, through D.C. Code § 38-172, "The Mayor may delegate any of his authority to a designee as he or she determines is warranted for efficient and sound administration and to further the purpose of DCPS to educate all students enrolled within its schools or learning centers consistent with District-wide standards of academic achievement."



the Chancellor's signature represents that a student has completed the graduation requirements set forth in the Title 5-E DCMR § 2203.

The proposed rulemaking will allow the approximately 35 students expected to graduate from Hospitality High on June 12, 2015 to receive a diploma in a way that recognizes the current governance structure of the school, and without any questions of legitimacy.

III. Rationale for Proposed Approach

OSSE has chosen the approach described above so that it can address the immediate situation of the approximately 35 students at Hospitality High, but also be ready for a similar scenario, should it arise in the future. The proposed rule applies to a narrow set of circumstances in which the mayor has delegated the management of a school to OSSE, and is intended to ensure students in these circumstances are still able to receive a high school diploma. This rule would ensure OSSE has the legal authority to support students in this situation if it were to happen again.

While the immediate need for this rulemaking is raised by a part of the D.C. Code that is rarely used, it is not unique for an SEA to grant diplomas or to manage schools. There are other states across the country that grant State Diplomas for alternative education, such as a diploma for passing the GED or NEDP. In addition, other SEAs do manage schools, particularly for students with disabilities, such as schools for the blind or deaf.

IV. Next Steps

OSSE will work diligently and collaboratively to ensure that SBOE will approve the proposed rulemaking by addressing all of SBOE's concerns promptly so that OSSE is able to confer diplomas to the Hospitality High students on June 12, 2015. To that end, OSSE proposes the following timeline:

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| April 2, 2015: | OSSE will submit proposed rulemaking to Office of Documents and Administrative Issuances (ODAI) for publication in the <i>D.C. Register</i> . |
| April 10, 2015: | Proposed regulations are published in the <i>D.C. Register</i> for public comment period of thirty (30) days. |
| April 15, 2015: | OSSE discusses proposal at SBOE public hearing. |
| May 6, 2015: | OSSE discusses proposal and any public comments at SBOE working session. |

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- May 10, 2015:** End of public comment period – OSSE responds to public comments.
- May 20, 2015:** Proposed SBOE Vote (if no substantive changes).
- May 21, 2015:** OSSE will submit final rulemaking to ODAI for final publication in the *D.C. Register*.
- May 29, 2015:** Final rulemaking is published in the *D.C. Register*. This is the effective date of official rulemaking.
- June 12, 2015:** Hospitality High School’s graduation

Once again, thank you for your continued support and engagement in our collective effort to provide quality education for the students of the District of Columbia. If you have any further inquiries, please do not hesitate to contact Christina Setlow, Director of Policy, Legislative and Intergovernmental Affairs at christina.setlow@dc.gov or 202-724-1513.