

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Sections 3(b)(7) and (11) 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)(7) and (11) (2012 Repl. and 2017 Supp.)); Section 403 of the Public Education Reform Amendment Act of 2007 (PERAA), effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(3) (2012 Repl. and 2015 Supp.)); with the advice and approval of the State Board of Education (SBOE) pursuant to section 403(a)(3) of PERAA (D.C. Official Code § 38-2652(a)(3) (2012 Repl. and 2015 Supp.)), hereby gives notice of her adoption, on an emergency basis, of an amendment to Section 2203 (Academic Requirements) and Section 2299 (Definitions) in Chapter 22 (Graduation) of Title 5 (Education), Subtitle A (Office of the State Superintendent of Education), of the District of Columbia Municipal Regulations (DCMR).

The Office of the State Superintendent of Education (OSSE), pursuant to D.C. Official Code § 38-2602(b)(7) (2012 Repl. and 2017 Supp.), is responsible for establishing the minimum credits that must be achieved in order to graduate, with the advice and approval of the State Board of Education (SBOE), pursuant to D.C. Official Code §§ 38-2652(a)(3) and (4) (2012 Repl. and 2017 Supp.). OSSE recently determined there was a need to provide oversight over the use of credit recovery courses towards meeting graduation requirements. The purpose of this rulemaking is to set forth comprehensive rules for awarding Carnegie Units towards graduation for credit recovery courses. This emergency and proposed rulemaking is necessitated by the immediate need to ensure a consistent approach and implementation of credit recovery courses among all local education agencies and schools. Therefore this emergency and proposed rulemaking adds a definition for “credit recovery unit” and amends Section 2203 by adding a subsection that sets forth when a credit recovery unit may be awarded by an LEA, what credit recovery policies an local education agency must have in place, and requirements for reporting on the participation and outcomes in credit recovery courses annually.

The rules were adopted on June X, 2018 and became effective on that date. The rules will remain in effect for up to one hundred twenty (120) days, expiring on DATE, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The State Superintendent of Education also gives notice of her intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 22, GRADUATION, of Title 5, EDUCATION, Subtitle A, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, of the District of Columbia Municipal Regulations is amended as follows:

Section 2203, ACADEMIC REQUIREMENTS, is amended as follows:

Subsection 2203.8 is renumbered as 2203.10.

Subsection 2203.9 is renumbered as 2203.11.

Subsection 2203.10 is renumbered as 2203.13.

New Subsections 2203.8 and 2203.9 are added to read as follows:

2203.8 Beginning with School Year 2018-2019:

- (a) A local education agency (LEA) may waive a Carnegie Unit requirement set forth in subsection 2203.3 and instead award a credit recovery unit to a student who has completed a required course but received a failing grade and did not earn the respective full or partial Carnegie Unit, in accordance with the following:
 - (1) A credit recovery unit shall only be awarded for a course:
 - (A) Required to be satisfactorily completed for graduation, as set forth in subsection 2203.3(b);
 - (B) That is aligned to the District's statewide content standards for the underlying course; and
 - (C) That has grading policies consistent with the underlying Carnegie Unit course.
 - (2) Before awarding a credit recovery unit, the LEA shall issue a policy that governs the delivery of credit recovery courses that includes:
 - (A) General requirements for student eligibility, enrollment, and attendance in credit recovery courses;
 - (B) A process for student referral to a credit recovery course;
 - (C) A process to determine student learning needs upon commencing a credit recovery course;
 - (D) The method for:
 - (i) Collecting student attendance at, and enrollment in, a credit recovery course;
 - (ii) Recording that credit was earned through credit recovery on student transcripts; and

- (iii) Notifying parent(s) or guardian(s) of a student's referral to a credit recovery course and providing a copy of the LEA's credit recovery policy to the parent(s) or guardian(s).
 - (E) A list of credit recovery course offerings, along with the timing (during school day, after school, night) and method for delivery of the course; and
 - (F) The vendor(s) providing credit recovery courses, if applicable.
- (5) The LEA's credit recovery policy shall be updated at least annually and posted in a conspicuous location on its website and submitted to the Office of the State Superintendent of Education ("OSSE"). OSSE will review the policy for compliance with this Chapter and shall delegate such review of public charter school policies to the Public Charter School Board.
- (b)
 - (1) Each LEA shall submit an annual credit recovery compliance report to OSSE.
 - (2) The annual credit recovery compliance report shall be in the format established by OSSE and shall contain the information required by OSSE, which shall include the following for each school within the LEA:
 - (A) The name of the credit recovery courses offered and the related underlying courses, if different;
 - (B) The number of students that failed each underlying Carnegie Unit course for which a credit recovery course is offered;
 - (C) The number of students enrolled in credit recovery for each such underlying course
 - (D) The number of students awarded the credit recovery unit through each credit recovery course; and
 - (E) The number of students enrolling in multiple credit recovery courses in a given year.
 - (3) OSSE shall issue guidance related to this reporting requirement, which may include specific guidance regarding reporting by various subgroups.

- (4) OSSE shall publicly report the information collected in the annual credit recovery compliance reports on its website.

2203.9 [RESERVED]

Section 2299, DEFINITIONS, is amended a follows:

Subsection 2299.1 is amended by adding the following definition after the definition of the term “Competency-based unit”:

“Credit recovery unit” -- a unit equivalent to a Carnegie Unit that is earned toward graduation for successful completion of a credit recovery course per subsection 2203.7.