VOL. 55 - NO. 46 FRIDAY, NOVEMBER 14, 2008

District of Columbia REGISTER

HIGHLIGHTS

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OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in section 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176) and amended by the Public Education Reform Amendment Act of 2007, (D.C. Law 17-9), D.C. Official Code § 38-2602(b)(11)) (2008 Supp), hereby gives notice of her intent to adopt this proposed rulemaking to amend Chapter 16 of Title 5 of the *District of Columbia Municipal Regulations* (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The proposed amendments to Section 1601, entitled "Professional Education Requirements," establish credentials that will be required of candidates seeking to qualify for a position as a teacher in the District of Columbia Public Schools system. The amendment to Section 1601 also provides the State Superintendent with discretion to develop an Advanced Teaching Credential which would require a candidate to demonstrate effectiveness to maintain the Credential and continue teaching in a District of Columbia Public School. The effectiveness measure is not being implemented at this time and will continue to be developed with input based upon expert research. A proposed regulation will be published for public comment prior to final adoption of a regulation.

Corresponding to the amendments being proposed for Section 5-1601, the State Superintendent of Education is also proposing revisions to Section 5-1687, entitled "License Denial, Suspension or Revocation," to substitute the title "State Superintendent of Education" for "Superintendent" found throughout this Section with regard to the process and procedures related to license denial, suspension ,or revocation under this chapter. Additionally, sections and subsection within Title 5 that are superseded by these amendments are deleted.

Section 1601 of Title 5 of the DCMR is amended to read as follows:

5-1601 TEACHING CREDENTIAL

1601.1 An individual must have a license known as a Teaching Credential to serve as a teacher in the District of Columbia Public Schools for the subjects enumerated in this chapter. For any subjects not covered in this chapter, a substitute teaching credential must be obtained.

1601.2 The Office of the State Superintendent of Education (OSSE) shall issue a Teaching Credential in accordance with the provisions of this section.

1601.3 Regular I Teaching Credential. To qualify for a Regular I Teaching Credential, the candidate must:

(a) Have earned a bachelor's degree from an accredited institution of higher education;

(b) Be enrolled in a preparation program in the District of Columbia for practicing teachers approved by the OSSE, or in a program approved by another state and recognized by the OSSE in accordance with subsection 1601.8 of this chapter;

(c) Have successfully completed the Praxis I examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education or met an equivalency score determined by the State Superintendent of Education on the SAT, ACT, or Graduate Record Examination (GRE);

(d) Have successfully completed the Praxis II Content examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education, in the content area in which the candidate will practice; and

(e) Be employed by a local education agency in the District of Columbia.

1601.4 Regular I Teaching Credential Upgrade. Candidates who hold a Regular I Teaching Credential shall receive an upgrade to a two-year Regular II Teaching Credential if the candidate successfully completes a state-approved preparation program for practicing teachers in which he or she was enrolled and where applicable, the Praxis II, Pedagogy examination, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education.

1601.5 Regular II Teaching Credential. To qualify for a Regular II Teaching Credential, a candidate must:

(a) Have earned a bachelor's degree from an accredited institution of higher education;

(b) Have successfully completed a preparation program for teachers approved by the OSSE in accordance with subsection 1601.10 of this chapter or by another state and recognized by the OSSE;

(c) Have successfully completed the Praxis I, Pre Professional Skills Test or other nationally recognized test as may be designated by

the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education or met an equivalency score determined by the State Superintendent of Education on the SAT, ACT or GRE; and

(d) Have where applicable, successfully completed the appropriate Praxis II Content and Pedagogy examinations, or other nationally recognized test as may be designated by the State Superintendent of Education, with a qualifying score determined by the State Superintendent of Education.

1601.6 Transitional Teaching Credential. At the written request of a local education agency (LEA) located in the District of Columbia, the State Superintendent of Education may issue a one-year non-renewable Transitional Teaching Credential to a candidate if the candidate was never employed as a teacher by the District of Columbia Public Schools and has earned a bachelor's degree from an accredited institution of higher education and either the candidate's academic major qualifies the individual to teach in the content area in which the teacher shall practice, or the candidate completed a state-approved teacher preparation program. This Transitional Teaching Credential also includes qualifying candidates who hold a valid teaching license from another state or jurisdiction within the United States of America, and have not taken the examinations required for a Regular II Teaching Credential.

1601.7 The terms and renewal requirements for the Regular I and Regular II teaching credentials shall be as follows:

(a) The term of the Regular I Teaching Credential shall be two calendar years from the date of issuance, unless a shorter term is prescribed by the State Superintendent of Education. The Regular I Teaching Credential is not renewable.

(b) The term of the Regular II Teaching Credential shall be four calendar years from the date of issuance, and in the case of a Regular II Teaching Credential upgraded from a Regular I Teaching Credential, in accordance with the requirements of subsection 1601.4, for a term of two calendar years, unless a shorter term is prescribed by the State Superintendent of Education,

(c) The Regular II Teaching Credential is renewable upon completion of six semester hours of coursework from an accredited institution of higher education; or 90 clock hours documenting professional development activities; or a combination thereof, one semester

hour being equivalent to 15 clock hours, that contribute to performance and effectiveness as a teacher.,

(d) The Regular II License will become non renewable upon development and promulgation of final regulations for an Advanced Teaching Credential described in subsection 1601.9.

1601.8 All Teaching Credentials current as of the effective date of final adoption of this regulation shall remain in effect until the expiration date for each license.

1601. 9. The Advanced Teaching Credential. The State Superintendent of Education shall consider the development and promulgation of further regulations creating a new Advanced Teaching Credential that would require a candidate to demonstrate effectiveness to continue teaching in a District of Columbia Public School. Any effectiveness regulation will be developed using expert research and will be proposed and published for public comment prior to any final adoption.

1601.10 Substitute Teaching Credential. Applicants must have completed a Bachelor's degree at an accredited institution of higher education to qualify for a substitute teaching credential. The substitute teaching credential is valid for two years from the date of issuance.

1601.11 The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable standards for the approval, renewal, and revocation of approval by the OSSE of teacher preparation and practicing teacher programs in the District of Columbia that qualify candidates to earn a Regular Teaching Credential pursuant to subsections 1601.3, 1601.4 or 1601.5 of this chapter and for purposes of interstate reciprocity.

(a) Only programs sponsored by an accredited institution of higher education, a non-profit organization, or LEA may be considered for approval pursuant to this subsection by the OSSE.

(b) Any approval granted by the OSSE pursuant to this subsection, shall specify the objective and verifiable standards that must be successfully completed to qualify a candidate for the Regular Teaching Credential pursuant to subsections 1601.3, 1601.4 or 1601.5 of this chapter.

(c) Any such programs in existence as of the date of the final approval of this regulation, shall maintain their qualified status pursuant to this subsection, for the duration of the term of their current approval as a qualified program. Programs approved by other

states and recognized by the OSSE may also qualify candidates to earn a Regular II Teaching Credential.

(d) Each application for the approval of a teacher preparation or practicing teacher program located in the District of Columbia under this Section shall at a minimum include industry recognized standards in child development, classroom management, and content knowledge.

1601.12 Each candidate for a Teaching Credential shall be required to undergo a criminal history record check prior to receiving the Credential, and may be required to submit to additional checks for purposes of renewing or continuing to hold the credential.

(a) The State Superintendent of Education shall develop policies or directives setting forth objective and verifiable criteria for the review of such records in accordance with appropriate law.

(b) Only criminal convictions and pending charges shall be taken into account with regard to criminal background information in determining whether or not an individual is qualified to hold the credential.

1601.13 To receive an endorsement in individual subject matter areas enumerated in Sections 1602 through Section 1665 of this chapter, a candidate must have a valid Regular II credential, successfully completed Praxis II Pedagogy examination, where applicable, or other nationally recognized tests, as designated by the State Superintendent of Education and one of the following:

(a) Successful completion of the Praxis II Content exam; or

(b) Meet the requirements for the subject matter area in Sections 1602 through Section 1665 of this chapter; or

(c) Successful completion of an academic major or major equivalent of thirty semester hours of course work from an accredited institution of higher education in a given subject matter.

(d) This section shall not apply to licenses requiring advanced degrees in Sections 1634; 1656; 1657; 1658; 1659; 1660; 1662; and Section1663 of this chapter.

1601.14 Each application for a credential submitted to the OSSE for processing under Chapter 16 shall be accompanied by a fee established by the State Superintendent of Education.

(a) The State Superintendent of Education shall determine the amount of revenue that shall be required to administer the teacher credentialing process, and shall establish an application processing fee in the amount deemed necessary for such purposes;

(b) All revenue collected by the State Superintendent of Education under this subsection for the processing of Credentials shall be deposited in the Office of the State Superintendent of Education "Academic Certification and Testing Fund," which shall be separate from the Local Operating Funds of the District of Columbia. This State Fund does not revert to the General Fund Balance of the District of Columbia at the end of any fiscal year or at any other time, and is continually available for the uses and purposes set forth in this Chapter, subject to Congressional authorization.

(c) All revenue collected by the OSSE under this subsection for the processing of a Teaching Credential shall be continuously available for the uses and purposes directly related to credentialing activities, including, but not limited to:

(1) Travel;

(2) Professional training;

(3) Meetings;

(4) Stipends;

(5) Honorariums;

(6) Professional organization membership dues;

(7) Day-to-day office operational needs;

(8) Salaries of individuals who perform, manage, monitor or oversee the processing of credentials; and

(9) The maintenance of credentialing program records.

(d) Fees shall be payable to the Office of the State Superintendent by money order, certified check, cashiers check or electronic payment.

(e) Teacher Credentialing Fee Schedule:

(1)	Initial Certification	$ 50.00
(2)	Duplicate Certificates	$ 20.00
(3)	Renewal Certification	$ 50.00
(4)	Substitute Certification	$ 50.00

1601.15 Interstate Agreement on Qualification of Educational Personnel. At the direction of the State Superintendent of Education, periodic reviews shall be conducted to determine whether any state has established teacher preparation standards that are at least comparable and equivalent to teacher preparation standards in the District of Columbia;

(a) When the State Superintendent of Education determines that the teacher preparation standards established by any state are at least comparable and equivalent to teacher preparation standards in the District of Columbia, the State Superintendent of Education shall initiate negotiations with that state to provide reciprocity in teacher or educator credentialing;

(b) The State Superintendent of Education shall award a credential to any applicant who holds or qualifies for an equivalent credential awarded by a state that has established a reciprocity agreement with the District of Columbia pursuant to subsection (a);

(c) The State Superintendent of Education shall grant an appropriate credential to any applicant from another state that has completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in the District of Columbia, as determined by the OSSE, if both of the following circumstances exist:

(1) A reciprocity agreement with the other states is pending completion, or the other state has declined to enter into a reciprocity agreement with the District of Columbia;

(2) The applicant has met the requirements of the District of Columbia for obtaining a certificate of eligibility in accordance with this Section; and

(d) No reciprocity agreement establishment pursuant to subsection 1601.14 (b) shall exempt an out-of-state applicant from being required to submit to, and or comply with a background or criminal history record check, in conjunction with obtaining a license under this chapter.

1601.16 The procedures for entering and executing "Interstate Agreements" shall be established by the State Superintendent of Education, or his or her designee.

Section 1687 of Title 5 of the DCMR is amended to read as follows:

5-1687 LICENSE DENIAL, SUSPENSION OR REVOCATION

1687.1 A license issued pursuant to this chapter may be denied, or suspended for a period determined by the State Superintendent of Education or revoked by the State Superintendent of Education if the license holder has:

(a) Fraudulently or deceptively obtained, or attempted to obtain the license;

(b) Pled guilty or nolo contendere with respect to, or received probation before judgment with respect to, or been convicted of one of the following crimes or been held liable in a private cause of action based upon the following:

(1) Murder;

(2) Child abuse;

(3) Rape;

(4) A sexual offense involving a minor or non-consenting adult;

(5) Child pornography;

(6) Kidnapping or abduction of a child;

(7) Illegal possession, use, sale, or distribution of controlled substances;

(8) Illegal possession or use of weapons; or

(9) A felony involving moral turpitude to be defined as one characterized by behavior or acts that gravely violate moral sentiments or accepted moral standards of this community and are of a morally culpable quality;

(c) Knowingly failed to report suspected child abuse or neglect, as required by District of Columbia Official Code Section 4-1321.02;

or

(c) Had his or her application for a license denied, suspended or revoked in this or another jurisdiction within the last five (5) years for a cause which would be grounds for denial, suspension, or revocation under Section 1687.1.

1687.2 The following reporting procedures shall govern this chapter with regard to conduct in Section 1687.1.

(a) The following individuals shall notify the State Superintendent in writing in the event a person with a current license issued under this chapter or applicant for a license under this chapter falls within the terms of Section 1687.1 above:

(1) The Certificate applicant or person with a current Certificate; and

(2) The Administrator of the school or an official of the District of Columbia Public School system if the conduct occurs during current employment or during a background check;

(b) The written report shall include the following information:

(1) Name and current or last know address of the person being reported;

(2) Type of Certification(s) held by the person or applied for; and

(3) Specific grounds set forth in Section 1687.1 to support denial, suspension, revocation.

1687.3 Before denying, suspending, or revoking a license, including without limitation for reasons set forth in Section 1687.1, the State Superintendent of Education or his or her designee shall:

A. Send the potential or current license holder a written notification of the intent to deny, suspend or revoke his or her license, specifying the basis for intended action;

B. Advise the potential or current license holder of the right to a hearing and advise further that:

1. The decision shall not become final until the conclusion of hearing, unless otherwise provided by law; and a request for a hearing is filed within ten (10) days of the receipt of a written copy of circumstances in Section 1687.1 affecting the applicant or current license holder;

2. Absent the timely filing of a request for a hearing, the decision shall become final on the eleventh (11th) day after receipt of a written copy of charges against the potential or current license holder; and

3. Advise the applicant or current license holder that, the burden of proof shall rest upon:

   (A) The State Superintendent of Education to sustain a decision to suspend or revoke a license;

   (B) The applicant in order to reverse a decision to deny a license; and

   (C) That in all cases the standard of proof shall be a preponderance of the evidence.

1687.3 The State Superintendent of Education or his or her designee shall notify all other states of denial, suspension, and revocation decisions as part of the interstate certification data exchange.

1687.4 If the decision of denial, suspension, or revocation is based on Section 1687.1 (b), and if the decision subsequently is overturned in an appeal or other post decision proceeding, an applicant may re-apply for a license, and a license suspension or revocation shall end on the date a conviction or plea of guilty is overturned.

1687.5 A license which has been suspended under this chapter shall be automatically reinstated at the end of a suspension period; provided, that the license has not expired during the period of suspension.

1687.6. If a license expired during the period of suspension, a person may reapply and shall be required to meet the license requirements in effect at the time the application is submitted for a new license.

The following Sections and Sub-sections of Title V of the DCMR are hereby deleted in their entirety:

Section 5-1001
Sub-Sections 5-1002.1, 5-1002.2, and 5-1002.3

Section 5-1003
Section 5-1308
Section 5-1310
Section 5-1311

Persons wishing to comment on these proposed rules should submit their comments in writing to Ms. Erika Lomax, the Office of the State Superintendent of Education, 51 N Street, NE, Room 3019, Washington, D.C., 20002, Attn: Ms. Erika Lomax. All comments must be received by the Office of the State Superintendent of Education not later than thirty (30) days after publication of this notice in the DC Register. Copies of this proposed rule may be obtained by writing to the above address, or by calling the Office of the State Superintendent of Education at (202) 727-6436.