



SCOTT PEARSON, EXECUTIVE DIRECTOR

December 17, 2014

Mr. Mark Jones, President  
DC State Board of Education  
One Judiciary Square  
441 4<sup>th</sup> Street NW, Suite 723N  
Washington, DC 20001

Dear Mr. Jones:

I was dismayed to learn through a notice sent out the evening of December 12, 2014 that the State Board of Education (SBOE) is considering a vote on the proposed rules from the Office of the State Superintendent of Education (OSSE), that would provide multiple pathways for students to earn credit toward graduation, at SBOE's December 17, 2014 public meeting. The Public Charter School Board (PCSB) strongly requests that SBOE not take a vote at this meeting.

The original Notice of Proposed Rulemaking was published for a 30-day public comment period on November 28, 2014. It would be unfair, and possibly illegal, for a public institution such as SBOE to hold a vote before the completion of this public comment period. In addition, the December 12, 2014 public meeting notice indicates that SBOE will consider voting on a revised Notice of Proposed Rulemaking from OSSE which PCSB received informally on the evening of December 11, 2014 and which has never been put out for public comment. Voting on these revised regulations before they are ever issued for public comment is entirely inappropriate for an elected body such as SBOE.

Due to the time constraints created by receiving the revised regulations just five days ago, PCSB has not yet completed its analysis of second version of OSSE's Notice of Proposed Rulemaking. We would prefer to have thirty days to fully analyze the regulations given their complexity and potential for impact on DC students and families. However, given the possibility of a vote, we wanted to provide you with some of our preliminary concerns.

First, these regulations represent a significant infringement on charter autonomy by OSSE, increasing their role and oversight over graduation requirements. This role is currently being filled by PCSB, and we would recommend that we continue this role. Specifically, 2202.1 is overly prescriptive about what coursework each high school student in a public charter school must complete. For example, 2202.1(c) mandates that each student must enroll in Algebra no later than ninth grade, and 2202.1(e) mandates that students complete one hundred hours of volunteer community service. If a school wished to place a student in a math class better suited for their educational needs or require students to have *more* than one hundred hours of community service for graduation, they would be unable to do so under these proposed rules.

These decisions are best left to each Local Education Agency (LEA) based on their specific educational philosophy.

In addition, 2202.2(2) requires all educational institutions seeking to award credit toward high school graduation for competency-based learning (CBL) to apply to OSSE, who may convene a “panel of content experts and stakeholders” to review the applications. As DC’s charter school authorizer in charge of oversight of DC public charter schools, these applications should be reviewed and approved by PCSB, rather than OSSE.

However, we also recognize the importance of ensuring that students who may need to move between traditional public and public charter schools can do so without having significant impacts on their progress toward graduation. Therefore, we would recommend that the regulations include a provision that OSSE will convene a task force of relevant stakeholders from traditional public and public charter schools to examine ways to align graduation requirements in a meaningful way.

These are just our preliminary, but serious, concerns with this Notice of Proposed Rulemaking. If provided with the full, and appropriate, time period for public review it is likely that additional valid concerns, such as the regulations impact on special populations, may be identified.

The regulations being considered are wide in scope and impact. It is unwise and unfair to move forward with this vote until the public has had the appropriate, and mandated, period of time to comment and consider all of the consequences, intended and unintended, that may occur as a result of these regulations. While we support the flexibility and innovation that could be achieved by allowing for competency-based learning, we urge SBOE *not to vote* on such regulations until the public comment period has ended on December 26, 2014, and to consider extending the public comment period in light of the significant revisions made by OSSE in their second notice of proposed rulemaking.

Sincerely,



Scott Pearson

CC:

Jesse B Rauch, Executive Director, State Board of Education  
Mary Lord, Vice President, State Board of Education  
D. Kamili Anderson, State Board of Education  
Jack Jacobson, State Board of Education

Karen Williams, State Board of Education  
Laura Slover, State Board of Education  
Monica Warren-Jones, State Board of Education  
Patrick Mara, State Board of Education  
Tierra Jolly, State Board of Education  
Jesús Aguirre, State Superintendent of Education