

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council’s Committee on Health schedules a public hearing on six health related bills
- D.C. Council schedules public oversight hearings on “Teacher and Principal Turnover and Retention” and updates to the District’s public education Master Facilities Plan
- Alcoholic Beverage Regulation Administration solicits public comment on the Civil Penalty Schedule (23 DCMR § 800)
- Child and Family Services Agency updates operating procedures to ensure adequate supervision and care for children in youth shelters and group homes
- D.C. Developmental Disabilities Council announces availability of grants for building communities where people with and without disabilities thrive together
- Department of Energy and Environment solicits public comment on the FY 2020 Weatherization Assistance Program Draft State Plan
- Department of Health Care Finance announces comment period for an amendment to Medicaid’s Elderly and Persons with Physical Disabilities (EPD) Waiver
- Department of Health announces funding for empowering communities to implement “Harm Reduction Programs”

DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 22, 2019

To amend, on an emergency basis, the Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019 to include an applicability date provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on the Arts and Humanities Budget Subtitle Technical Emergency Amendment Act of 2019".

Sec. 2. The Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by adding a new section 2204 to read as follows:

“Sec. 2204. Applicability.

“This subtitle shall apply as of July 22, 2019.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

VETOED

Mayor
District of Columbia
October 1, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 4, 2019

To approve, on an emergency basis, Modification 2 to Contract No. NFPHC-2018-465 between the Not-for-Profit Hospital Corporation (“Corporation”) and Mazars USA, LLP, to provide hospital operator services to the Corporation, and to authorize payment for the good and services received and to be received under the modification.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modification No. 2 to Contract No. NFPHC-2018-465 Approval and Payment Authorization Emergency Amendment Act of 2019”.

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. 2 to Contract No. NFPHC-2018-465 between the Not-for-Profit Hospital Corporation (“Corporation”) and Mazars USA, LLP, to provide hospital operator services to the Corporation and authorizes payment in the amount of \$7,098,812 for the goods and services received and to be received under the contract.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 4, 2019

ENROLLED ORIGINAL

AN ACT
D.C. ACT 23-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 4, 2019

To symbolically designate the alley located in Square 965, between 10th Street, N.E., 11th Street, N.E., and Constitution Avenue, N.E., in Ward 6, as Al and Mary Arrighi Way.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Al and Mary Arrighi Way Designation Act of 2019".

Sec. 2. Pursuant to sections 401, 403a, and 423 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code §§ 9-204.01, 9-204.03a, and 9-204.23), the Council symbolically designates the alley located in Square 965, between 10th Street, N.E., 11th Street, N.E., and Constitution Avenue, N.E., as "Al and Mary Arrighi Way".

Sec. 3. Fiscal impact statement.

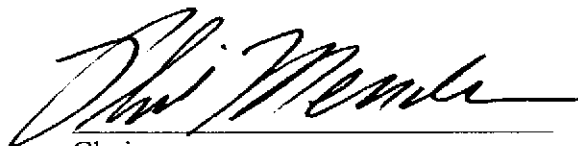
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
November 4, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 5, 2019

To amend, on a temporary basis, Title I of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018 to make technical and clarifying changes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Education Research Practice Partnership Technical Temporary Amendment Act of 2019".

Sec. 2. Title I of the District of Columbia Education Research Practice Partnership Establishment and Audit Act of 2018, effective March 28, 2019 (D.C. Law 22-268; D.C. Official Code § 38-785.01 *et seq.*) is amended as follows:

(a) Section 104(b) (D.C. Official Code § 38-785.03(b)) is amended to read as follows:

"(b)(1) Prior to issuance of the Notice, the Mayor shall transmit to the Council a proposed resolution to approve the proposed Notice for a 45-day period of Council review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

"(2) If the Council does not approve the proposed Notice within this 45-day review period, the proposed resolution shall be deemed disapproved.

"(3) If the Council disapproves the proposed resolution, the Council may include recommendations for revisions that should be made to the Notice before it is re-transmitted to the Council for approval.

"(4) Once the Notice is approved by the Council, the Mayor shall issue it within 30 days. The final Notice issued by the Mayor shall be substantially similar to the proposed Notice approved by the Council."

(b) Section 105(a)(3) (D.C. Official Code § 38-785.04(a)(3)) is amended as follows:

(1) Strike the phrase "educational improvement" and insert the phrase "school improvement" in its place.

(2) Strike the phrase "education improvement" and insert the phrase "school improvement" in its place.

(c) Section 106 (D.C. Official Code § 38-785.05) is amended as follows:

(1) Subsection (c)(2) is amended by striking the phrase "final research findings by

ENROLLED ORIGINAL

the Partnership” and inserting the phrase “research findings by the Partnership” in its place.

(2) Subsection (d)(1)(A) is amended by striking the phrase “4 months of receiving Advisory Committee feedback” and inserting the phrase “4 months” in its place.


Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
November 4, 2019

ENROLLED ORIGINAL

AN ACT

D.C. ACT 23-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 5, 2019

To amend, on a temporary basis, the Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019 to include an applicability date provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Commission on the Arts and Humanities Budget Subtitle Technical Temporary Amendment Act of 2019”.

Sec. 2. The Commission on the Arts and Humanities Independence and Funding Restructuring Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-16; 66 DCR 8621), is amended by adding a new section 2204 to read as follows:

“Sec. 2204. Applicability.
“This subtitle shall apply as of July 22, 2019.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in Section 602(c)(1) of the District of Columbia Home Rule Act, approved

ENROLLED ORIGINAL

A RESOLUTION

23-244

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 22, 2019

To set forth the purview of the ad hoc committee established for the purposes of considering evidence of a violation of the Code of Conduct, policy, or law by Councilmember Evans, to provide that the ad hoc committee shall be composed of 12 members, to provide that the ad hoc committee shall have 90 days from the date the General Counsel to the Council provides the report of O'Melveny & Myers LLP to the Secretary to the Council to report its recommendation and findings to the Council, to authorize the ad hoc committee to issue subpoenas, and to authorize the filing of a petition or petitions in the Superior Court of the District of Columbia to compel witnesses to provide testimony to the ad hoc committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Ad Hoc Committee Procedures Resolution of 2019".

Sec. 2. The ad hoc committee appointed by the Chairman of the Council on October 8, 2019 ("Committee") is an ad hoc committee established for the purposes of considering evidence of a violation of the Code of Conduct, policy, or law by Councilmember Evans, as provided for in Council Rule 651(a) and consistent with the scope of the investigation set forth in section 3(2) of the Council Period 23 Rules and Investigation Authority Amendment Resolution of 2019, effective July 9, 2019 (Res. 23-175; 66 DCR 8288). Consistent with Council Rule 651(a), it may make recommendations for further action by the Council with respect to Councilmember Evans, including the potential sanctions of censure or expulsion pursuant to Council Rule 651(d).

Sec. 3. Notwithstanding Council Rule 651(c), the Committee shall be composed of all Councilmembers, except for Councilmember Evans, who is the subject of the request for an ad hoc committee.

Sec. 4. Notwithstanding Council Rule 653(e), if the Committee does not report its recommendation and findings to the Council within 90 calendar days after the General Counsel to the Council provides the report required by section 3(e) of the Council Period 23 Rules and Investigation Authority Amendment Resolution of 2019, effective July 9, 2019 (Res. 23-175; 66

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DCR 8288), to the Secretary to the Council, the matter shall be sent to the Council for its consideration.

Sec. 5. In furtherance of the Committee's work, as described in the Chairman's October 8, 2019 memorandum appointing the Committee, the Council authorizes the Committee to issue subpoenas on behalf of the Council to compel the attendance of witnesses, to obtain testimony, or to require the production of documents or other information or tangible items. Notwithstanding Council Rule 612, a report to the Council before issuing a subpoena shall not be required.

Sec. 6. Pursuant to section 413(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 789; D.C. Official Code § 1-204.13(b)), the Council authorizes its General Counsel to file a petition or petitions in the Superior Court of the District of Columbia to compel witnesses who have refused to obey subpoenas issued by the Committee, or otherwise not cooperated with the Committee's work, as described in the Chairman's October 8, 2019 memorandum appointing the Committee, to appear and testify on topics relevant to the investigation, under penalty of contempt.

Sec. 7. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-96

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize the 20th Charter Year Anniversary of the Carlos Rosario International Public Charter School.

WHEREAS, the Carlos Rosario International Public Charter School was initially the Program for English Instruction to Latin Americans, which was founded by Carlos Rosario;

WHEREAS, in 1972, Sonia Gutiérrez became the Director of the Program for English Instruction to Latin Americans and transformed the small, under-funded program into a comprehensive adult education program;

WHEREAS, in 1974, the Office of Right-to-Read at the U.S. Department of Health, Education and Welfare designated the Program for English Instruction to Latin Americans as one of the best literacy programs in the nation;

WHEREAS, in 1978, the Program for English Instruction to Latin Americans was relocated to the old Gordon Junior High School in Glover Park in Washington, DC;

WHEREAS, in 1992, the Council of the District of Columbia renamed the Program for English Instruction to Latin Americans to the Carlos Rosario Adult Education Center;

WHEREAS, the Carlos Rosario Adult Education Center grew to provide 4,500 students per year with crucial language, cultural, vocational, and job skills with a waiting list of 2,000;

WHEREAS, the Carlos Rosario Adult Education Center became an international model, drawing visitors from other states and nations to review its operations and curricula, seeking to replicate the Carlos Rosario Adult Education Center;

WHEREAS, in 1996, the District of Columbia faced a financial crisis that brought about the elimination of all District of Columbia Public Schools adult education programs, including the Carlos Rosario Adult Education Center;

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WHEREAS, from August 1996 to March 1997, Ms. Gutiérrez, Allison Kokkoros, and supporters of the Carlos Rosario Adult Education Center worked tirelessly to raise \$100,000 dollars from local foundations to reopen the school as the non-profit Carlos Rosario International Career Center;

WHEREAS, in 1998, the Carlos Rosario International Career Center's charter application was approved, and the Carlos Rosario International Public Charter School opened, which became the first adult Public Charter School in the nation, which then later merged with the Carlos Rosario International Career Center;

WHEREAS, today the Carlos Rosario International Public Charter School operates two campuses: the Harvard Street Campus and Central Office located in Ward 1 and the Sonia Gutiérrez Campus located in Ward 5, which both serve more than 2,500 students annually;

WHEREAS, the Carlos Rosario International Public Charter School offers a variety of courses: information technology, citizenship, culinary arts, nursing aide, family literacy, and English;

WHEREAS, the Carlos Rosario Public Charter School has transformed the lives of tens of thousands of immigrants in the District of Columbia, by investing in and supporting their journey to reach their highest potential; and

WHEREAS, CEO, Allison Kokkoros and the entire staff at the Carlos Rosario Public Charter School pledge to further their outreach and support of the adult community to continue to offer the best in adult education for many years to come.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "20th Charter Year Anniversary of the Carlos Rosario International Public Charter School Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia recognizes and honors the Carlos Rosario International Public Charter School for its trailblazing role in educating adults in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-97

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and honor Ronald “Ron” Edward Holloway for his contributions to jazz music across the United States and the District of Columbia.

WHEREAS, Ronald Holloway was born in the District of Columbia in 1953 and grew up in a nurturing musical environment with his jazz enthusiast parents, Winston and Marjorie Holloway;

WHEREAS, Ronald Holloway is an American tenor saxophonist and is listed in the Biographical Encyclopedia of Jazz;

WHEREAS, renowned jazz critic Ira Gitler describes Ronald Holloway as “a bear-down-hard-bopper who can blow authentic jazz, R&B, and croon a ballad with warm, blue feeling”;

WHEREAS, Ronald Holloway is a former member of the Gil Scott-Heron Band, Dizzy Gillespie Quintet, Wayne Haynes Band, Susan Tedeschi Band, and Root Boy Slim Band;

WHEREAS, Ronald Holloway has performed with Sonny Rollins, the Allman Brothers’ Band, Gov’t Mule Band, Tedeschi Truck Band, Little Feat Band, and musician Taj Mahal;

WHEREAS, Ronald Holloway is a member of DC Legendary Musicians, Inc. and is the recipient of 42 Washington Area Music Awards, or Wammies, two of which were for Musician of the Year; and

WHEREAS, Ronald Holloway has been steadfast in his dedication to promote and preserve jazz music in the United States and abroad.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Ronald ‘Ron’ Edward Holloway Ceremonial Recognition Resolution of 2019”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia recognizes and honors Ronald “Ron” Edward Holloway for his many contributions to jazz music in the District of Columbia and across the globe.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-98

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To recognize and commemorate the 20th anniversary of WomenHeart: The National Coalition for Women with Heart Disease as the leading advocacy organization for 48 million women in America living with or at-risk of heart disease and their work educating women about heart health.

WHEREAS, WomenHeart was founded in 1999 by three women, Nancy Loving, Jackie Markham, and Judy Mingram, after they each suffered heart attacks in their 40s and faced obstacles following their diagnoses;

WHEREAS, these women connected to form a small support group to share their common experience;

WHEREAS, through their connection, they decided that more should be done to support women living with heart disease and more information was needed to raise awareness of the risk of heart disease among women;

WHEREAS, WomenHeart is celebrating its 20th anniversary as the first and only national patient-centered organization to focus exclusively on women’s heart diseases;

WHEREAS, WomenHeart has grown into a national network of patient support groups across the country with 100 groups in more than 30 states;

WHEREAS, WomenHeart Champions, women with heart disease who are trained messengers and the “boots on the ground” in the fight against heart disease, share their stories and bring the message to women to take charge of their heart health;

WHEREAS, 2.1% of District women are living with heart disease;

WHEREAS, WomenHeart has been working for 20 years to save women’s lives in the District and across the country; and

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WHEREAS, on May 20, 2019, WomenHeart will host its 19th Annual Wenger Reception and Awards Dinner to honor and recognize Congresswoman Robin Kelly, Dr. Tara Nurula, Dr. Carl J. Pepine, and Dr. Annabelle S. Volgman for their contributions to women's heart health.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "WomenHeart Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia celebrates 20 years of WomenHeart's efforts to support heart disease survivors and advance better outcomes for women affected by and at risk of heart disease and declares May 20, 2019 as "WomenHeart Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-99

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 7, 2019

To honor, recognize, and congratulate Queen Anunay and Kishia Clemencia for becoming the third and fourth battalion chiefs in the District of Columbia Fire and Emergency Medical Services Department’s 135-year-old history.

WHEREAS, the role of battalion chief is one of honor, distinction, and prestige in that it signifies command over each fire station's officers and each company or unit's officers, as well as the uniformed firefighters;

WHEREAS, Queen Anunay, a District of Columbia native, graduated from the University of the District of Columbia with an Associate of the Arts in Fire Services Administration degree and today has nearly 30 years of esteemed service to the District of Columbia Fire and Emergency Medical Services Department;

WHEREAS, Kishia Clemencia, a District of Columbia native, has 25 years of esteemed service to the District of Columbia Fire and Emergency Medical Services Department;

WHEREAS, when Queen Anunay and Kishia Clemencia were cadets in the D.C. Fire and EMS Cadet program, of the department’s 1,550 members, only 35 were women; today, of 1,800 firefighters at the department, 188 are women; further, only 23 women serve in officer roles out of 471;

WHEREAS, Queen Anunay and Kishia Clemencia were selected for this role from a pool of 44 candidates; further, through the interview process, they were the only two women who qualified for the high-ranking position;

WHEREAS, in their new roles as battalion chiefs, Queen Anunay and Kishia Clemencia oversee an estimated 100 firefighters at 11 firehouses in the District;

WHEREAS, D.C. Fire Chief Gregory M. Dean christened the new leaders as “pioneers” for women, especially in the higher ranks where female leadership is a rarity;

ENROLLED ORIGINAL

WHEREAS, according to the International Association of Women in Fire and Emergency Services, there are nearly 340,000 career firefighters in the United States, and of those, only 24,300 are women;

WHEREAS, as women of color, Queen Anunay and Kishia Clemencia are truly pioneers and trailblazers for girls and women in the District of Columbia, further proving that courage is gender neutral; and

WHEREAS, Queen Anunay and Kishia Clemencia’s success paves the way for more women to advance and grow within the District of Columbia Fire and Emergency Medical Services Department.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Queen Anunay and Kishia Clemencia Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council recognizes, honors, and appreciates Queen Anunay and Kishia Clemencia for their stellar service to the residents of the District of Columbia.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-100

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize and commemorate the 65th Anniversary of the United States Supreme Court decision in *Brown v. Board of Education* and *Bolling v. Sharpe* and to declare May 17, 2019 as “*Brown v. Board of Education* and *Bolling v. Sharpe* Day” in the District of Columbia.

WHEREAS, on May 17, 1954, the Supreme Court decided the landmark cases *Brown v. Board of Education* and *Bolling v. Sharpe*, along with 3 others, in which the Court held that the Constitution of the United States prohibits segregated public schools;

WHEREAS, in 1941, a group of parents called the Consolidated Parents Group from Anacostia in Southeast, Washington, DC petitioned the Board of Education of the District of Columbia to open John Philip Sousa Junior High as an integrated school;

WHEREAS, the school board denied the petition and opened the school to admit only white students;

WHEREAS, on September 11, 1950, Gardner Bishop, a civil rights activist, Nicholas Stabile, and the Consolidated Parents Group tried to get 11 African-American students, including Spottswood Bolling, admitted to Sousa Junior High;

WHEREAS, James Nabrit Jr., a professor of law at Howard University School of Law, filed suit on behalf of Bolling and the other Black students in the United States District Court for the District of Columbia seeking the students’ admission to the all white school;

WHEREAS, when the case was dismissed by the District Court, the United States Supreme Court agreed to review the case and decided unanimously in favor of the plaintiffs that racial segregation in public schools was a denial of due process of law guaranteed by the Fifth Amendment;

ENROLLED ORIGINAL

WHEREAS, on the same day, May 17, 1954, the Supreme Court decided unanimously on *Brown v. Board of Education* that “separate educational facilities are inherently unequal” and violate the Equal Protection Clause of the Fourteenth Amendment; and

WHEREAS, these 2 court cases and 3 others, initiated the slow process of integrating American schools and mark a pivotal advancement of civil rights and progress on the road to justice and equality in the United States.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “*Brown v. Board of Education* and *Bolling v. Sharpe* Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia celebrates 65 years since segregated public schools were determined to be unconstitutional, honors the brave individuals who brought the cases forward to change the course of history, and declares May 17, 2019 as “*Brown v. Board of Education* and *Bolling v. Sharpe* Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-101

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize St. Mary's Court on its 40th Anniversary.

WHEREAS, St. Mary's Court, a residential facility for senior citizens in downtown Washington, D.C., opened its doors over 3 decades ago;

WHEREAS, St. Mary's Court was founded jointly by the Episcopal Diocese of Washington, the government of the District of Columbia, and the U.S. Department of Housing and Urban Development;

WHEREAS, over 1200 persons have lived in this convenient, comfortable and attractive building;

WHEREAS, St. Mary's Court has offered its residents affordable, safe and secure housing during all the years of its operation;

WHEREAS, St. Mary's Court is dedicated to providing enriching and enjoyable activities for its residents; and

WHEREAS, St. Mary's Court serves as a haven for its residents and a gathering place and community asset of the Foggy Bottom/West End neighborhood and of the capital city of this nation.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "St. Mary's Court 40th Anniversary Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia commends St. Mary's Court, its residents and its staff, and sends its warm regards and wishes for many more years of continued commitment and declares July 13, 2019 as "St. Mary's Court Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-102

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize the 50th anniversary of the Duddington Place, S.E., block party and to declare June 1, 2019 Duddington Place Day in the District of Columbia.

WHEREAS, the townhomes on Duddington Place, S.E., were constructed 110 years ago, reportedly for workers building government facilities;

WHEREAS, Duddington Place, S.E., is known for golden gingko trees in the fall and has been the residence of many famous Washingtonians;

WHEREAS, many of the homes on Duddington Place, S.E., were renovated in the early 1960s, and in 1969 a group of residents held a picnic dinner for residents of the block;

WHEREAS, what started as a picnic dinner in 1969 has grown to become a block party and an all-day series of events for children, adults, friends, and pets, cementing long-standing relationships;

WHEREAS, the Duddington Place, S.E., block party is an all-day event filled with activities that starts with cleaning the streets and alleys and ends with dinner and dancing;

WHEREAS, early morning activities on the day of the Duddington Place, S.E., block party include a dog parade and agility run, followed by pony rides, crafts, and luncheon for children; and

WHEREAS, the Duddington Place, S.E., block party is visited by members of the fire and police departments, allowing young residents to interact with them.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Duddington Place Block Party 50th Anniversary Recognition Resolution of 2019”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia expresses its congratulations to the residents of Duddington Place, S.E., on the occasion of the 50th anniversary of the Duddington Place, S.E., block party and declares June 1, 2019 as Duddington Place Day in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-103

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize and reflect on the 104th anniversary of the 1915 Armenian Genocide and on the importance of educating District of Columbia residents on the Armenian Genocide.

WHEREAS, on April 24, 1915 the Ottoman Turkish government began a premeditated campaign of brutal atrocities, including pogroms, deportations, forced death marches across Anatolia into the Syrian desert, starvation, crucifixions, kidnapping, massacres en masse, and genocide against its Christian Armenian minority population, resulting in the death of an estimated one and one half million Armenians as well as over one million Greeks, Assyrians, Syriacs and others were massacred as part of the planned complete eradication of those indigenous communities by the Ottoman Turkish Empire that continued until 1923;

WHEREAS, on July 16, 1915, U.S. Ambassador to the Ottoman Empire, Henry Morgenthau, wrote to the U.S. Secretary of State, Robert Lansing, and reported that “Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress”;

WHEREAS, on May 28, 1951, the United States Government affirmed the Armenian Genocide in a statement to the International Criminal Court, which stated that “The Roman persecution of the Christians, the Turkish massacres of Armenians, the extermination of millions of Jews and Poles by the Nazis are outstanding examples of the crime of genocide” ;

WHEREAS, the U.S. House of Representatives officially acknowledged the World War I mass killings of Armenians as the Armenian Genocide through adopted legislation in 1975 and 1984;

WHEREAS, on April 22, 1981, President Ronald Reagan issued a proclamation which stated that “Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it – and like too many other such persecutions of too many other peoples – the lessons of the Holocaust must never be forgotten” ;

ENROLLED ORIGINAL

WHEREAS, on March 27, 2015, U.S. Secretary of State John Kerry rightfully condemned the Islamic State's persecution of Christians, Yezidis, and other religious minorities, including Armenians, in Iraq and Syria as genocide;

WHEREAS, the United States was the first county to recognize the Armenian genocide and raised millions of dollars to aid the surviving victims of the genocide;

WHEREAS, forty-nine U.S. states and twenty-eight countries have officially recognized the Armenian Genocide and likewise called upon the Government of Turkey to acknowledge their history;

WHEREAS, to this day revisionists still inexplicably deny the existence of the Armenian Genocide;

WHEREAS, the Republic of Turkey continues to deny and distort the facts of the Armenian Genocide, and honors the perpetrators of the Armenian Genocide as national heroes;

WHEREAS, Near East Relief was the first Congressional-sanctioned American philanthropic effort created exclusively to rescue the Armenian Nation and other Christian minorities from annihilation after S. Ambassador to Constantinople Henry A. Morgenthau, pled for assistance upon personally witnessing the systematic massacre of Armenians;

WHEREAS, Near East Relief's efforts resulted in delivering one hundred seventeen million dollars of assistance between 1915 and 1930, including the delivery of food, clothing, and materials for shelter, setting up refugee camps, clinics, hospitals, and orphanages;

WHEREAS, the generous philanthropy of the American people directly resulted in the salvation of the Armenian and Assyrian refugees nation from being completely annihilated by the Genocide by saving more than one million refugees, including more than one hundred thirty thousand orphans through their humanitarian assistance;

WHEREAS, Near East Relief evolved into the Near East Foundation in 1930, and continues to provide humanitarian aid to people throughout the Middle East and Africa;

WHEREAS, James Cannon Jr., Frank Morrison, and Ray Lyman Wilbur of the District of Columbia helped lead the humanitarian efforts of Near East Relief by serving on the Board of Trustees from 1915 through 1930;

ENROLLED ORIGINAL

WHEREAS, the Near East Relief Committee of the District of Columbia was the 3rd largest committee of any state in the United States from 1915 through 1930;

WHEREAS, since the 1890s, Armenian Americans and organizations contribute richly to the District of Columbia's social mosaic and add to our community's economic, political, and educational development; and

WHEREAS, recognition and reaffirmation of this tragedy educates people about the horrors of man's inhumanity to man and works to prevent future occurrences of genocides.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Armenian Genocide Recognition Resolution of 2019".

Sec. 2. The Council recognizes the 104th Anniversary of the 1915 Armenian Genocide and encourages educators in the District of Columbia to teach about human rights, the Armenian Genocide, and consequences of genocide denial.

Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Chancellor of the Office of the State Superintendent of Education, and the President and each member of the State Board of Education.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To celebrate the 20th anniversary of the establishment of Sentry Security International and to recognize them for their services over the past two decades.

WHEREAS, Sentry Security International was established by George Banks on July 13th, 1999 in Washington, D.C.;

WHEREAS, Sentry Security International provides uniformed, armed and unarmed security to clients in the District of Columbia, Maryland and Virginia, as well as internationally;

WHEREAS, Sentry Security International engages in total security, investigative services, cyber/intelligence security, biometric security, safety, security training and logistics consulting;

WHEREAS, Sentry Security International’s mission is to provide superior security and protection services to its clients while contributing to the growth and development of their employees and the communities in which they do business;

WHEREAS, Sentry Security International is certified by the U.S. Small Business Administration and is a certified SDBE, HUBZONE, DBE, and CBE;

WHEREAS, Sentry Security International provides security for the District of Columbia and United States Court System, D.C. Metropolitan Police Department, D.C. Public Schools, the Smithsonian Institution, as well as a variety of other clients;

WHEREAS, Sentry Security International has worked with numerous governments and agencies to provide security including Chinese President Xi Jinping, District of Columbia’s Office of the Mayor, multiple District of Columbia Councilmembers, as well as work with the United States Secret Service;

ENROLLED ORIGINAL

WHEREAS, Sentry Security International has provided investigative services to a variety of clients which includes working with Cavion LLC to provide investigative services to the Chancellor of District of Columbia Public Schools and various investigations with the Metropolitan Police Department;

WHEREAS, Sentry Security International has played a key role in keeping buildings, public servants, students, and venues both safe and secure over the past two decades; and

WHEREAS, Sentry Security International will hold their 20th Anniversary Reception on Friday, July 12th at the Eaton Hotel DC to celebrate their two decades of business and will host guest speakers from the private industry and District and Federal governments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “20th Anniversary of Sentry Security International Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the outstanding and longstanding work of Sentry Security International;

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-105

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To celebrate the 300th anniversary of the Crestwood neighborhood and its rich history and importance to Ward 4 and the District of Columbia.

WHEREAS, Crestwood is a heavily treed, entirely residential neighborhood in Washington, D.C. that is bounded by 16th Street on the east, Morrow Drive and surrounded by Rock Creek Park on three sides;

WHEREAS, Crestwood is home to the Carter Barron Amphitheatre, a large outdoor performance venue that was opened in 1950 and has hosted notable artists such as Ray Charles, B.B. King, Stevie Wonder, Smokey Robinson and Bruce Springsteen;

WHEREAS, the William H.G. FitzGerald Tennis Center is located in Crestwood and hosts various tennis tournaments, most notably the Citi Open, a professional tennis tournament that is held annually and features top athletes in the sport;

WHEREAS, the first visitors to the area now known as Crestwood were Native Americans from the Algonquian tribes who made tools from the quartzite stones they quarried along modern-day Piney Branch;

WHEREAS, in 1719, Lord Baltimore granted a Maryland settler named John Bradford approximately 500 acres of colonial land, 300 of which were sold to Randall Blake;

WHEREAS, Randall Blake named the 300 acres Argyle Cowall, and Lorn, after three areas in western Scotland and for three centuries the boundaries of Randall Blake’s estate have largely defined the neighborhood known today as Crestwood;

WHEREAS, in 1938 a group of developers led by Paul Stone began to market a new development by the name of Crestwood, marking the first use of the Crestwood name for the area;

WHEREAS, the Crestwood Citizens Association was formed in 1941 and grew into a vital organization that works today to enhance and protect the quality of life in Crestwood while giving residents a voice in city and community affairs;

ENROLLED ORIGINAL

WHEREAS, during the 1940s, the Crestwood Citizens Association engaged in civic and social roles such as organizing a large three-acre victory garden during World War II and adopting the azalea as the community flower;

WHEREAS, the Crestwood Citizens Association has been and continues to be outspoken regarding issues related to Rock Creek Park, the largest border of the neighborhood and one of the oldest National Parks in the United States;

WHEREAS, Crestwood has been the home of prominent artists, athletes and sports executives, bankers, civil rights leaders, clergy, entrepreneurs, journalists, judges, politicians, restaurateurs, singers, and Tuskegee Airmen;

WHEREAS, today Crestwood is one of the most diverse neighborhoods in the District of Columbia and the Crestwood Citizens Association continues to be civically and socially engaged with both Ward 4 and District of Columbia; and

WHEREAS, the neighborhood of Crestwood and its residents have had a tremendous impact on both the Ward 4 community as well as the District of Columbia as a whole.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “300th Anniversary of Crestwood Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and celebrates the neighborhood of Crestwood on its 300th anniversary.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-106

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To acknowledge and honor the 40th Anniversary of the Marion S. Barry Summer Youth Employment Program (MBSYEP) for offering youth of the District of Columbia professional development skills, career exploration, and paid work experience each summer.

WHEREAS, the Summer Youth Employment Program was launched in 1979 by former Mayor Marion S. Barry;

WHEREAS, the MBSYEP provides over 10,000 youth ages 14 to 24 with jobs each summer at locations across the District;

WHEREAS, the MBSYEP has been a foundational part of thousands of youth’s personal and professional growth experiences over the course of forty years;

WHEREAS, the MBSYEP, at its inception, offered significant employment opportunities to youth from Wards 7 and 8, a majority of whom came from economically and socially disadvantaged neighborhoods with scarce job opportunities;

WHEREAS, the MBSYEP’s primary goal is to introduce District youth to employers who will positively impact their futures by providing constructive experiences;

WHEREAS, the MBSYEP’s purpose is to provide youth with transferable work-related experiences that can prepare them for success in employment regardless of educational, financial, or social circumstances;

WHEREAS, the MBSYEP’s goals are to teach workplace norms and culture and to help youth develop skills in social engagement, communication, critical thinking, decision making, problem solving, and self-management to build self-confidence and self-awareness;

ENROLLED ORIGINAL

WHEREAS, the MBSYEP allows youth to gain exposure to a myriad of industries;

WHEREAS, the MBSYEP offers real-life work skills for District youth;

WHEREAS, the MBSYEP participants have received over \$300,000 in scholarships to post-secondary institutions and military programs;

WHEREAS, the MBSYEP offers youth an opportunity to become global citizens through a myriad of programs that focus on international affairs;

WHEREAS, the MBSYEP has been the launching pad for thousands of youth who were directly hired by their MBSYEP placement; and

WHEREAS, on January 14, 2015, the Summer Youth Employment Program was renamed the Marion S. Barry Summer Youth Employment Program in honor of former Mayor and founder, Marion S. Barry.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Marion S. Barry Summer Youth Employment Program 40th Anniversary Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the 40th Anniversary of the Marion S. Barry Summer Youth Employment Program.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-107

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize and honor Loreen McNair for her academic and professional achievements as the first African American Director of Admissions at Sheppard Pratt Hospital.

WHEREAS, Loreen McNair is a native Washingtonian and lifetime resident of Ward 5 and currently resides in the Langdon community;

WHEREAS, Loreen McNair graduated from Howard University in 1976 with her Bachelors degree in Sociology, a Masters degree in Clinical Social Work in 1978, completed postgraduate work with a degree in Management in 1980, and received an Executive Masters in Business Administration from George Washington University in 1997;

WHEREAS, Loreen McNair maintained a successful private therapy practice for over twenty years;

WHEREAS, from 2002 until 2018, Loreen McNair served as the Utilizations Review Manager and Assistant Director of Admissions at Sheppard Pratt Hospital;

WHEREAS, Sheppard Pratt ranked as one of the nation’s top psychiatric hospitals by U.S. News World Report while also being consistently ranked among the top psychiatric hospitals in the country for the past 28 years;

WHEREAS, Sheppard Pratt serves more than 70,000 people and provides more than 2.3 million services annually throughout the healthcare system;

WHEREAS, Loreen McNair became the first African American Director of Admissions at Sheppard Pratt Hospital on June 19th, 2018; and

WHEREAS, Loreen McNair celebrates her 65th birthday on June 18, 2019.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Loreen McNair Director of Admissions at Sheppard Pratt Hospital Recognition Resolution of 2019”.

Sec. 2. The Council recognizes the achievement and contributions of Loreen McNair on becoming the first African American Director of Admissions at Sheppard Pratt Hospital.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-108

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize and honor John Tatum, Sr., for his contributions to the District of Columbia and on the occasion of his 100th birthday.

WHEREAS, John Tatum, Sr., was born in Washington, DC on April 4th, 1919;

WHEREAS, John Tatum, Sr., has lived and continues to reside in Ward 5 for 66 years;

WHEREAS, John Tatum, Sr., attended schools in the District including Francis Junior High School and Armstrong Senior High School;

WHEREAS, John Tatum, Sr., served in the United States Navy from 1944 to 1947 and retired from the Navy Yard in 1974 after 38 years of service;

WHEREAS, John Tatum, Sr., is a member of Liberty Baptist Church located at 527 Kentucky Ave, S.E. where he currently sings in the Senior Choir;

WHEREAS, John Tatum, Sr., serves as a member of the senior choir with Liberty Baptist Church;

WHEREAS, John Tatum, Sr., married Pearl V. Tatum;

WHEREAS, John Tatum, Sr., has 6 children including, Rodney, Kevin, John, Joyce, Christa, and Maryland;

WHEREAS, John Tatum, Sr.'s, favorite pass time is to swim;

WHEREAS, John Tatum, Sr., received 9 gold medals and 2 bronze medals at the Senior Olympics for the 50-meter freestyle, 100-meter freestyle, and 50-meter breast stroke; and

WHEREAS, John Tatum, Sr., is committed to community activism through his annual Father's Day cookout that host over 7,000 people each year since about 1988.

ENROLLED ORIGINAL

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “John Tatum, Sr., Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and honors John Tatum, Sr., on the occasion of 100 years of life.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-109

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize and honor Romaine B. Thomas for her numerous contributions to the District of Columbia on the occasion of her 90th birthday.

WHEREAS, Romaine B. Thomas received her Bachelor of Science degree from Miners Teachers College and a Masters of Arts degree from The George Washington University;

WHEREAS, Romaine B. Thomas continued advanced studies in higher education, which included Vanderbilt University and time in London, England to study a pilot program on open space in education;

WHEREAS, Romaine B. Thomas devoted most of her life to her family, education, and civic activism;

WHEREAS, Romaine B. Thomas served as the principal of John Henry Ketchum Elementary School;

WHEREAS, Romaine B. Thomas was awarded the National Distinguished Principal’s award by the U.S. Secretary of Education for her service;

WHEREAS, Romaine B. Thomas was one of 54 nationally selected principals to receive the National Distinguished Principal Award for her outstanding leadership in providing quality education for children;

WHEREAS, Romaine B. Thomas demonstrated a commitment to community service and concern for the common good and welfare for people;

WHEREAS, Romaine B. Thomas is a longtime advocate of the senior community with a record that clearly demonstrates her involvement and dedication;

ENROLLED ORIGINAL

WHEREAS, Romaine B. Thomas was an advocate for seniors and people who are disabled;

WHEREAS, Romaine B. Thomas, a native Washingtonian, is the former President of the Woodridge Civic Association and the 2nd Vice President of the District of Columbia’s Federation of Civic Associations;

WHEREAS, Romaine B. Thomas served as DC Democratic Convention Chairwoman and was a delegate in 2012 to the Democratic National Convention; and

WHEREAS, Romaine B. Thomas served as the President of the Executive Council of D.C.’s AARP, and Chairperson for the D.C. Commission on Aging.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Romaine B. Thomas 90th Birthday Celebration Recognition Resolution of 2019”.

Sec. 2. The Council recognizes and honors Romaine B. Thomas as she celebrates her 90th birthday and for her involvement, participation and contributions to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-110

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize and honor Dr. Georgianna Alice Rivlin for her years of service to the District of Columbia government and her life-long service to the citizens of the District of Columbia.

WHEREAS, Dr. Alice Rivlin was born in Philadelphia, Pennsylvania on March 4, 1931. She earned a Bachelor of Arts from Bryn Mawr College in 1952. Upon graduation, she moved to Europe where she worked on the Marshall Plan;

WHEREAS, Dr. Alice Rivlin attempted to enter graduate school in public administration, but was rejected on the grounds that she was a woman of marriageable age; Dr. Rivlin later earned a Masters and Ph.D. in economics from Radcliffe College of Harvard University;

WHEREAS, Dr. Alice Rivlin had a life-long affiliation with the Brooking Institution, to which she returned after each of her periods of government service;

WHEREAS, Dr. Alice Rivlin was appointed in 1968 by President Lyndon B. Johnson as Assistant Secretary for Planning and Evaluation for the United States Department of Health, Education, and Welfare and served until 1969;

WHEREAS, Dr. Alice Rivlin was elected a Fellow of the American Academy of Arts and Sciences in 1973;

WHEREAS, Dr. Alice Rivlin served as the first Director of the new Congressional Budget Office from 1975 to 1983;

WHEREAS, Dr. Alice Rivlin won a MacArthur Foundation "genius" award in 1983;

ENROLLED ORIGINAL

WHEREAS, Dr. Alice Rivlin was appointed to the Office of Management and Budget (OMB) where she served as the Deputy Director from 1993 to 1994, and as Director of the OMB from 1994 to 1996;

WHEREAS, Dr. Alice Rivlin, served as Vice-Chair and as Governor of the Federal Reserve from 1996 to 1999;

WHEREAS, Dr. Alice Rivlin was appointed Chair of the Commission on Budget and Financial Priorities of the District of Columbia (Rivlin Commission) in 1990. The Rivlin Commission analyzed the status of the District's financial structure and budget and made recommendations to bring District spending and revenues into balance in an orderly constructive way;

WHEREAS, Dr. Alice Rivlin was appointed the second Chair of the District of Columbia Financial Responsibility and Management Assistance Authority (Control Board) in 1998. While Chair, she was instrumental in bringing the District of Columbia back into fiscal compliance. She served as Chair of the Control Board until 2001;

WHEREAS, Dr. Alice Rivlin, a strong proponent of Home Rule, insisted that full home Rule powers be returned to the citizens of District of Columbia;

WHEREAS, Dr. Alice Rivlin was named in January 2010 to co-chair the Debt Reduction Task Force sponsored by the Bipartisan Policy Center in Washington, D.C.;

WHEREAS, Dr. Alice Rivlin was named by President Obama to the National Commission on Fiscal Responsibility and Reform on deficit reduction, to identify "policies to improve the fiscal situation in the medium term and to achieve fiscal sustainability over the long run";

WHEREAS, Dr. Alice Rivlin was a friend of the District of Columbia and its citizens, and despite her important work on a national level, she invested time to support the District in many important ways including her 1990 report to the Control Board, and other efforts; and

WHEREAS, Dr. Alice Rivlin passed away on May 14, 2019.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Dr. Alice Rivlin Recognition Resolution of 2019".

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Colombia recognizes appreciates, and thanks Dr. Alice Rivlin and her career of service to the United States of America and District of Columbia and its citizens, and especially for her service and efforts as Chair of the District of Columbia Financial Responsibility and Management Assistance Authority and her support of Home Rule.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Colombia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-111

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To honor Kojo Nnamdi for 20 years as host of the nationally recognized radio broadcast program, *The Kojo Nnamdi Show*, as well as recognize his service to the Washington metropolitan area and his leadership within the broadcast journalism community.

WHEREAS, Kojo emigrated to the United States in 1969 to explore the United States' growing civil rights movement, first living in Brooklyn, New York, before settling in Washington, D.C. and laying roots in local broadcast journalism circles;

WHEREAS, Kojo first started his professional career in broadcast journalism in 1973 as news editor and then news director of *The Daily Drum* at WHUR-FM, where he worked from 1973 to 1985;

WHEREAS, Kojo went on to contribute to other newsrooms in the Washington, D.C. area, including as host of Howard University's public affairs television program *Evening Exchange* on WHUT-TV from 1985 to 2011;

WHEREAS, in 1998, Kojo joined WAMU-FM as host of their *Public Interest* program, which later changed its name to *The Kojo Nnamdi Show* in September 2002;

WHEREAS, now nationally recognized and celebrated, *The Kojo Nnamdi Show* has won numerous awards, including multiple Public Radio News Directors Incorporated and Associated Press honors, as well as the National Association of Black Broadcasters Salute to Excellence Award;

WHEREAS, Kojo's vision for quality public programming remains at the heart of *The Kojo Nnamdi Show*, bringing listeners unmatched authenticity, depth, sensitivity, and familiarity with important issues in the Washington metropolitan area;

WHEREAS, Kojo has taken listeners on both intellectual and emotional journeys around the rapidly evolving Washington region and re-centered critical conversations about society, community, race, housing, education, politics, the arts, and more for 20 years;

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WHEREAS, in celebration of his regional leadership, people-centered dialogue, and efforts to engender trust among guests and listeners alike, Kojo was honored as a civil rights hero by the National Council for Community Justice in 2001 and selected as the Library of Congress's African American History Month keynote speaker in 2003;

WHEREAS, a longtime District resident, Kojo has also be recognized for his local contributions as a 2005 "Washingtonian of the Year" by *Washingtonian* magazine, one of the 2007 "DC's Most Influential People" by *DCist*, a 2014 inductee into the Society of Professional Journalists' D.C. Chapter Hall of Fame, and a 2018 inductee into the D.C. Hall of Fame Society; and

WHEREAS, in addition to his leadership as a public radio host, Kojo served on the board of the Library of Congress American Folklife Center from 2003 to 2008 and has served as Board Chair of the Public Access Corporation of Washington, D.C., for the past 25 years.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Kojo Nnamdi 20th Anniversary Recognition Resolution of 2019".

Sec. 2. The Council recognizes Kojo Nnamdi for 20 years of exceptional leadership as host of *The Kojo Nnamdi Show* and his unwavering commitment to fostering thoughtful dialogue, elevating community voices, and bringing a global perspective to critical, emerging issues throughout Washington, D.C., and its surrounding communities.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize September 25th, 2019 as “National Ataxia Awareness Day”.

WHEREAS, ataxia is a clinical manifestation indicating the degeneration or dysfunction of a part of the brain called the cerebellum, which contributes to the coordination, precision, and accurate timing of movements;

WHEREAS, cerebellar ataxia is an umbrella term used to classify a group of neurodegenerative diseases caused by cerebellar dysfunction including, but not limited to, ataxia telangiectasia, episodic ataxia, Friedreich’s ataxia, spinocerebellar ataxia, and sporadic ataxia;

WHEREAS, cerebellar ataxia can also occur due to non-neurodegenerative conditions such as strokes and other neurological diseases;

WHEREAS, neurodegenerative cerebellar ataxia is estimated to affect 150,000 people of all ages, genders, and races in the United States;

WHEREAS, there are roughly one dozen neurodegenerative cerebellar ataxia patients residing in the District of Columbia;

WHEREAS, symptoms of ataxia progress over time causing lack of coordination, slurred speech, eye movement abnormalities, difficulty walking, tremors, and trouble eating and swallowing;

WHEREAS, most patients with neurodegenerative ataxia will require the use of wheelchairs and walkers to aid in their mobility; and

WHEREAS, some symptoms can be managed by medication, but there is still no effective treatment or cure for neurodegenerative ataxia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Ataxia Awareness Day Recognition Resolution of 2019”.

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Sec. 2. The Council of the District of Columbia hereby recognizes National Ataxia Awareness Day as part of its efforts to raise awareness for ataxia and those living with it in the District of Columbia, and to support research developments towards a cure.

Sec 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To recognize and honor the Capital Pride Alliance and the 2019 Capital Pride Festival, the 44th Annual celebration of the District of Columbia’s Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, and Asexual communities.

WHEREAS, the theme for Capital Pride 2019 is “shhhOUT: Past, Present & Proud,” which will celebrate the remarkable diversity within the lesbian, gay, bisexual, transgender, queer, intersex, and asexual communities in the District of Columbia;

WHEREAS, June 2019 marks the 50th anniversary of the Stonewall Uprising in the Greenwich Village neighborhood of New York City, where a series of spontaneous patrons of the Stonewall Inn openly demonstrated against repressive police practices and other political and social abuses that stemmed from widespread ignorance about, and prejudice against, lesbian, gay, bisexual, transgender, queer, intersex, and asexual communities;

WHEREAS, Capital Pride 2019, sponsored by the Capital Pride Alliance, observes the Stonewall Uprising as an occasion for a joyous reaffirmation of the human dignity and human rights of all lesbian, gay, bisexual, transgender, queer, intersex, and asexual communities;

WHEREAS, the Capital Pride Festival will provide a full week of cultural, political, social, religious, athletic, and community service events from May 31 through June 9, 2019, which will offer an eclectic experience for all in attendance and will culminate in the Annual Capital Pride Parade on June 8th;

WHEREAS, the lesbian, gay, bisexual, transgender, queer, intersex, and asexual communities of the District of Columbia have been a strong and positive force in the city and encompasses women and men of every race, age, and religion and from every walk of life, as well as individuals who significantly contribute to the political, social, and cultural life of our LGBTQIA community; and

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WHEREAS, this annual event reflects the hard work and dedication of the Capital Alliance Board of Directors and Production Team; event sponsors Marriott International, Live Casino and Hotel, HOT 99.5 FM, Pepco, Capitol One, Washington Blade, Whitman-Walker Health, Human Rights Campaign, and others; and hundreds of volunteers from across the Washington Metropolitan area who make this legendary festival a success every year.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “44th Annual Capital Pride Festival Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and honors the Capital Pride Alliance and all who contribute to the success of Capital Pride 2019.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-114

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 4, 2019

To honor, recognize, and congratulate Lonnie G. Bunch III on being named the 14th Secretary of the Smithsonian, making him both the first African American and the first historian to lead the world's largest museum, education and research complex.

WHEREAS, the Smithsonian Institution's Board of Regents announced on May 21, that Mr. Lonnie G. Bunch III will serve as the institution's new leader, where he will oversee the organization's 19 museums and complexes, along with the National Zoo, effective June 16;

WHEREAS, Mr. Bunch most recently served as the founding director of the Smithsonian's National Museum of African American History and Culture, transforming a vision for that museum into the reality that sits on the 5 acre site on the National Mall in Washington, D.C.;

WHEREAS, under his leadership as founding director that commenced in July of 2005, Mr. Bunch sought to build "a place that would make America better" with optimism, determination, and perseverance despite the museum's lack of resources;

WHEREAS, Mr. Bunch and the staff at the National Museum of African American history and Culture rallied donors at every level and worked with Congress to fund the museum, which has now welcomed 4 million visitors and compiled a collection of 40,000 historic and cultural objects;

WHEREAS, prior to his appointment as director of the National Museum of African American History and Culture, Mr. Bunch served as the president of the Chicago Historical Society (2001–2005) where he led a successful capital campaign to transform the Historical Society in celebration of its 150th anniversary, managed an institutional reorganization, initiated an unprecedented outreach initiative to diverse communities and launched a much-lauded exhibition and program on teenage life titled "Teen Chicago";

WHEREAS, as a prolific and widely published author, Mr. Bunch has written on topics ranging from the black military experience, the American presidency and all-black towns in the

ENROLLED ORIGINAL

American West to diversity in museum management and the impact of funding and politics on American museums;

WHEREAS, lectures and presentations to museum professionals and scholars have taken Mr. Bunch to major cities in the United States and many nations abroad, including Australia, China, England, Ghana, Italy, Japan, Scotland, South Africa, and Sweden.

WHEREAS, from 1989 through 2000, Mr. Bunch has worked at the Smithsonian in the past, holding a number of positions at its National Museum of American History;

WHEREAS, born in the Newark, New Jersey, Mr. Bunch attended both Howard University and American University in Washington D.C., where he earned his B.A. and M.A. in American history and African history;

WHEREAS, Mr. Bunch has held numerous teaching positions at universities across the country, including American University in Washington, D.C., the University of Massachusetts in Dartmouth, and George Washington University in Washington, D.C.;

WHEREAS, among his many awards, Mr. Bunch was appointed by President George W. Bush to the Committee for the Preservation of the White House in 2002 and reappointed by President Barack Obama in 2010; and

WHEREAS, Mr. Bunch was named one of the 100 most influential museum professionals of the 20th century by the American Association of Museums.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Lonnie G. Bunch III Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council recognizes and honors Lonnie G. Bunch III for his service to the District of Columbia, American society, the African-American culture and identity, and for his many achievements throughout his career that serve as an inspiration to Americans everywhere, particularly our young people in their quest to take their rightful place in the history of our nation.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-115

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To acknowledge and honor Ms. Mary Cuthbert, a lifelong community leader and retired union employee of the American Federation of Government Employees (AFGE) who has demonstrated great commitment to the communities of Congress Heights, Barry Farm, St. Elizabeths East, and the greater Ward 8 area.

WHEREAS, Mary Cuthbert was first elected in 1985 as an Advisory Neighborhood Commission Member in Ward 8 and has served in that capacity for thirty-four years;

WHEREAS, Mary Cuthbert has served as the Ward Eight Democrats, Vice President; DC Democratic State Committee, Ward 8 State Committeewoman; Congress Heights Community Association, President; 7D Citizens Advisory Council, President; Opportunities Industrialization Center (OIC) of Washington, Board Member; and Anacostia Coordination Council, member;

WHEREAS, through Mary Cuthbert’s tireless advocacy and efforts, the Covenant House of Washington remained at the National Children’s Center until its permanent location was established;

WHEREAS, in 2016, Mary Cuthbert was voted as Ms. Senior Congress Heights;

WHEREAS, Mary Cuthbert currently serves as the Congress Heights Community Association Vice President;

WHEREAS, Mary Cuthbert has always placed health advocacy at the forefront of her efforts; thereby, was essential in building the new Saint Elizabeths Hospital. Subsequently, the Mayor appointed her to the St. Elizabeths East Redevelopment Initiative Advisory Board to assist in developing the entire Saint Elizabeths Hospital east campus;

WHEREAS, Mary Cuthbert has always spoken her mind and communicated in a manner that every generation understands her intent;

ENROLLED ORIGINAL

WHEREAS, Mary Cuthbert has fought tirelessly to bring economic justice, equal employment, and educational opportunities to Ward 8; and

WHEREAS, Mary Cuthbert has been a member of the DC Democratic State Party, where she has supported Democratic candidates in pursuit of public office and the party’s political and community allies.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mary Cuthbert Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia honors Mary Cuthbert for her dedication and service to Ward 8 and the community at-large.

Sec. 3. This resolution shall take effect immediately upon the first day of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-116

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To celebrate the 25th Convention of the Association of Nigerian Physicians in the Americas and recognize the work that they do on behalf of Nigerian health professionals.

WHEREAS, the Association of Nigerian Physicians in the Americas was incorporated in 1995 for educational, scientific and charitable purposes as a 501(c)(3) non-profit organization with the vision of “A Healthier Nigeria in a Healthier World”;

WHEREAS, today the Association of Nigerian Physicians in the Americas represents over 4,000 physicians, dentists and allied health professionals of Nigerian birth, ethnicity, or empathy in the United States, Canada and the Caribbean;

WHEREAS, the District of Columbia, Maryland and Virginia has over 1,000 practicing Nigerian physicians and health professionals represented by the Association of Nigerian Physicians in the Americas;

WHEREAS, the mission of the Association of Nigerian Physicians in the Americas is to identify and stimulate interest in all matters affecting the health of Nigerians and provide the forum for debating evolving health issues in search for solutions, to encourage the development of practical solutions to Nigerian health care problems through strategic initiative and field activities inside Nigeria, to seek collaborative research opportunities in the international medical community and contribute to improved health care in Nigeria, the Americas and worldwide, and to foster personal and professional growth of its members through continuing education opportunities;

WHEREAS, the Association of Nigerian Physicians in the Americas fulfills their vision and mission through their work which has included providing major Nigerian Universities with internet connection, providing free healthcare to medically indigent parts of Nigeria, Africa, and the Caribbean, and addressing current healthcare issues in Africa such as HIV, among many other forms of action;

ENROLLED ORIGINAL

WHEREAS, the Association of Nigerian Physicians in the Americas engages with African leaders and officials who oversee Health Care, such as the President of Nigeria and the Minister of Health, to offer recommendations to improve healthcare issues;

WHEREAS, the Association of Nigerian Physicians in the Americas provides its' members a platform for medical and scientific dialogue on issues of health within the Americas that are pertinent to persons of descent from the Nigerian Diaspora;

WHEREAS, the Association of Nigerian Physicians in the Americas has various ongoing programs, projects and initiatives that benefit Nigerian healthcare workers in the Americas as well as the health of Nigerians;

WHEREAS, some of the programs and projects offered by the Association of Nigerian Physicians in the Americas include the ANPA Mental Wellness Program which aides physicians with stress management, the Diaspora Professional Healthcare Initiative that provides highly specialized care to designated centers, and the Ladies Hat and Tea Forum which serves as a philanthropic arm and focuses on services relating to women and children;

WHEREAS, The 25th Convention of the Association of Nigerian Physicians in the Americas will be held from June 26th to June 30th in Washington, D.C. and will feature novelist and motivational lecturer Chimamanda Adichie as the keynote speaker, as well other speakers such as the ambassador of Nigeria to the United States, the minister of health for Nigeria, and various distinguished physicians; and

WHEREAS, the Association of Nigerian Physicians in the Americas has done a spectacular job of living up to their vision of harnessing the collective presence and talents of Nigerian physicians to elevate the health care delivery in Nigeria.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Association of Nigerian Physicians in the Americas 25th Anniversary Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council congratulates the Association of Nigerian Physicians in the Americas as they hold their 25th Convention and celebrate their 25th anniversary and recognizes the impact that the organization has had on those in the District of Columbia, United States, Nigeria and across the globe.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-117

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To recognize and celebrate Mid-Town Barbershop for their 25th anniversary and the importance they play in our Ward 4 community and the District of Columbia.

WHEREAS, Kevin Williamson started Mid-Town Barbershop on August 6th, 1994 on Kennedy St NW in the Manor Park neighborhood and offers a full range of barber services for men, women, and children;

WHEREAS, Kevin Williamson started Midtown Barber Shop as a community-centered and charity-minded establishment and it continues to be intertwined with the surrounding community today;

WHEREAS, Mid-Town Barbershop goes out of their way to reach out to their neighbors by contributing to community outreach efforts in a multitude of ways;

WHEREAS, Mid-Town Barbershop has several notable clients including ABC 7's Leon Harris, former Council Chairman Kwame Brown, and Ward 4 Councilman Brandon Todd;

WHEREAS, Mid-Town Barbershop often offers pro-bono service to members of the military, veterans, and seniors;

WHEREAS, Mid-Town Barbershop provides free haircuts to District of Columbia students prior to the start of the school year;

WHEREAS, Mid-Town Barbershop has held various community events for a variety of groups and causes such as Metropolitan Police Department, AIDS awareness, high blood pressure awareness and youth in the community;

WHEREAS, Kevin Williamson has received multiple awards for his community engagement through Mid-Town Barbershop including winning the Small Business Administration's Young Entrepreneur of the Year Award in 2000 and Gillette's Man of the Year in 2009;

ENROLLED ORIGINAL

WHEREAS, on August 6th Kevin Williamson and Mid-Town Barbershop will celebrate their 25th anniversary on the Odyssey Washington; and

WHEREAS, Mid-Town Barbershop continues to be a shining example of small business engagement with their surrounding community and we are proud to have them in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mid-Town Barbershop 25th Anniversary Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes Mid-Town Barbershop and it’s owner, Kevin Williamson, for 25 years of business and involvement in and commitment to the Ward 4 and District of Columbia communities.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-118

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To recognize and celebrate Margo H. Briggs for her 2 decades worth of work through Continental Societies, Incorporated in the District of Columbia.

WHEREAS, today, Margo H. Briggs will retire after serving as the President for the Continental Societies, Incorporated, Washington, DC Chapter;

WHEREAS, Margo H. Briggs has been a faithful dedicated enthusiastic member of the Continental Societies, Incorporated since 1999;

WHEREAS, during her leadership as the President, Margo H. Briggs provided consistent visionary leadership that increased the impact of services throughout the community;

WHEREAS, Margo H. Briggs developed programs and initiatives pertaining to national programs and developed a signature fundraiser that facilitated and supported stronger HEER programs and scholarships for children in the community which helped the Washington, DC Chapter become one of the most noteworthy in the organization;

WHEREAS, Margo H. Briggs served as President of the Washington, DC Chapter for four years, Treasurer for four years, several HEER Committee programs, National Treasurer for seven years, Chairperson for the 501(c) (3) National Committee, and Chairperson of the National Conclave;

WHEREAS, Margo H. Briggs was responsible for bringing prestigious Honorary Members, such as former Secretary Alexis Herman, Dr. Dorothy Irene Height, former President of the NCNW, to the National Board and to the Washington, DC Chapter;

WHEREAS, Margo H. Briggs brought Richard Lawson and Tina Knowles-Lawson as Honorary Chairpersons for the Continentals 60th Anniversary;

WHEREAS, Mrs. Briggs provided generous donations of money, staff time and utilized her many contacts to get resources for the Continental Societies, Incorporated in the Washington,

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DC community and established relationships with principals in various wards through the District of Columbia to ascertain needed resources for the children; and

WHEREAS, we commend and thank Margo H. Briggs for her tireless work and dedication that has improved the quality of life of the residents of this city.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Margo H. Briggs Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes Margo H. Briggs for 2 decades of work with Continental Societies, Inc. and all she has done to benefit our District of Columbia community.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-119

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To honor and recognize Derrick E. Rutledge, the son of William H. and Regina T. Rutledge, for his incredible career as both a celebrity stylist and Makeup Artist.

WHEREAS, Derrick Rutledge was born on February 24, 1961 in Washington, D.C. where he grew up in Ward 4 and attended Georgetown Day School;

WHEREAS, Derrick Rutledge received a music and academic scholarship to attend Webster University in Webster Groves, Missouri, a suburb of St. Louis, Missouri;

WHEREAS, in 1984, Derrick Rutledge returned to Washington, D.C. where he began his career as a Makeup Artist;

WHEREAS, Derrick Rutledge rose to prominence as a celebrity Makeup Artist when former Miss USA and Real Housewives of Atlanta's Kenya Moore requested he serve as her Makeup Artist while she guest hosted BET's Video Soul;

WHEREAS, during his time at BET, Derrick Rutledge worked with numerous African-American celebrities, including Chaka Khan, Patti Labelle, Beyoncé, Yolanda Adams, and Cece Winans;

WHEREAS, the work of Derrick Rutledge has been featured on the covers of various publications including British Vogue, TIME Magazine, Essence Magazine, and Oprah Magazine;

WHEREAS, Derrick Rutledge worked with former First Lady Michelle Obama for three years and currently works with Oprah Winfrey as her designated Makeup Artist, a role he has held for the past eight years;

WHEREAS, Derrick Rutledge established his own makeup line, *Derrick Rutledge About Face (DRAF)*, and offers makeup classes and tutorials through this company; and

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WHEREAS, Derrick Rutledge has made a significant impact on the fashion industry and has led the way for future African-Americans in the field.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Derrick Rutledge Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council honors Derrick Rutledge for his commitment to makeup and inspiring the next generation of makeup artists and stylists.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-120

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To recognize and honor Mt. Zion Baptist Church and Reverend Dr. John W. Davis for their commitment, dedication, and service to the residents of Ward 4 and the District of Columbia, and to celebrate the 51st anniversary of Mt. Zion Baptist Church and the 38th Pastoral anniversary of Reverend Dr. John W. Davis.

WHEREAS, in May of 1968 the late Reverend Richard A. Carroll, along with his wife Dorothy R. Carroll, Chris Jones, Gertrude Thompson, Robert Gray, Dorothy Gray and Peggy, came together with the idea of starting a church which gave fruition to what is now Mt. Zion Baptist Church;

WHEREAS, in late 1968 the Recognition Council of the Baptist Ministers Conference recognized the official Mt. Zion Baptist Church on 13th and Ingraham NW;

WHEREAS, one year after the founding of Mt. Zion Baptist Church, in May of 1969, the church moved to 5101 14th Street NW, which remains the churches location today;

WHEREAS, in 1976 Reverend Eugene M. Pearson became Mt. Zion Baptist Church's second pastor, a role he served in for 3 years;

WHEREAS, in June of 1981, Reverend John W. Davis was elected to the 3rd pastor of Mt. Zion Baptist Church and remains the church's pastor to this day, 38 years after he first became the church's pastor;

WHEREAS, Reverend John W. Davis was ordained at Mount Zion Baptist Church in 1976 and graduated from Washington Baptist Seminary in 1977 where he served as Student Council President for three years, graduated from Lynchburg Bible College in 1979, and earned his Bachelor of Bible Theology degree from the International Bible Institute and Seminary in 1984;

WHEREAS, since being elected the 3rd pastor of Mt. Zion Baptist Church in 1981 Reverend John W. Davis has significantly grown the church membership and has been with the

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church through the burning of their mortgage in 1985 and during their renovation which began in 1999;

WHEREAS, in his time as pastor, Reverend John W. Davis has added daily meditation periods at 6:30 AM, an additional Sunday worship service at 7:45 AM, Drama, Golden Era, Couple-as-One, Transportation, and Evangelistic Ministries;

WHEREAS, Reverend John W. Davis has overseen the implementation of a plethora of programs at Mount Zion Baptist Church including Sister-to-Sister Mentoring, Rights of Passage Male Mentoring, Angels of Assembly Dance Ministry, Outreach Ministry, Steering/Building/Renovation, Stewardship, Praise Team, Singing Prayer Warriors, John W. Davis Male Chorus, Richard A. Carroll Ensemble, Showers of Blessings, Computer Classes, and Spiritually Connected Adults Practicing Evangelism (SCAPE);

WHEREAS, Reverend John W. Davis is currently a member of the Baptist Ministers Conference of Washington, D.C. & Vicinity, the Hearing Committee, and a member of the Wednesday Morning Breakfast;

WHEREAS, on Sunday, June 9th Mt. Zion Baptist Church will hold a banquet to celebrate their 51st anniversary and Reverend John W. Davis's 38th anniversary as the pastor of Mt. Zion Baptist Church; and

WHEREAS, Mt. Zion Baptist Church has been a pillar of our Ward 4 community for over half a century now and we are honored to have their presence in our Ward and in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "51st Anniversary of Mt. Zion Baptist Church and 38th Anniversary of Reverend John W. Davis Ceremonial Recognition Resolution of 2019".

Sec. 2. The Council of the District of Columbia honors Mt. Zion Baptist Church and Reverend John W. Davis for their years of dedication and service to the residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-121

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To celebrate the 93rd birthday of Joan M. Thomas and to recognize the impact that she has made through her work and engagement in both Ward 4 and the District of Columbia as a whole.

WHEREAS, Joan M. Thomas was born on June 26, 1926 in Atlanta, Georgia where she grew up and graduated from Booker T. Washington High School before attending Clark University in Massachusetts;

WHEREAS, Joan M. Thomas moved to Washington, D.C. when she was eighteen in 1944 and moved into her Petworth home in 1949 where she has resided for the past 60 years;

WHEREAS, Joan M. Thomas raised her one son, Edwin Bates, and one daughter, Judith Stratton, in Ward 4 where they both attended Washington Union Academy and graduated from Theodore Roosevelt High School before her son joined the Air Force and her daughter established Lady J Bar-B-Que Sauce;

WHEREAS, Joan M. Thomas worked for 31 years, first as a clerk in the Federal government and then as a social worker for the District of Columbia government and also ran a catering business by the name of Bates Catering for 31 years;

WHEREAS, Joan M. Thomas has been engaged and active in the District of Columbia government since the District of Columbia Home Rule Act of 1973;

WHEREAS, Joan M. Thomas has served as the Precinct Captain of voting Precinct 46 in every election since the first elections in 1974;

WHEREAS, Joan M. Thomas has worked in the office of numerous District of Columbia government officials including Councilmember Brandon T. Todd, Mayor Adrien M. Fenty, Mayor Muriel E. Bowser, Congresswoman Eleanor Norton Holmes, Mayor Marion S. Barry, Councilmember John L. Ray, Chairman John A. Wilson, Councilmember Charlene Drew Jarvis, and Chairman Arrington Dixon;

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WHEREAS, Joan M. Thomas became one of the very first Advisory Neighborhood Commissioners in Washington, D.C. when she became the 4D commissioner in 1974, a position she held for 22 years;

WHEREAS, Joan M. Thomas has been an important and active member in the Ward 4 Democrats for several decades, winning the Ward 4 Democrats Woman of the Year from President Deborah A. Royster in 2012 and having the Joan M. Thomas Spirit Award established in 2016 by President Candace Nelson;

WHEREAS, Joan M. Thomas served as the Treasurer for the District of Columbia Democratic State Committee for 22 years;

WHEREAS, Joan M. Thomas chartered a plane and served as a delegate for the District of Columbia at two Democratic Nominating Conventions, first for Mayor Walter Washington in Chicago in 1968 and again in 1992 in New York City for Mayor Sharon Pratt Kelly;

WHEREAS, Joan M. Thomas was a member of the American War Mothers for a number of years and has served as the President of the Washington, D.C. chapter of the national organization;

WHEREAS, Joan M. Thomas has been an active member of her Ward 4 community where she has assisted with the food pantry at Berean Baptist Church where she has been a member for decades, as well as volunteering at St. Mary’s Church;

WHEREAS, Joan M. Thomas will celebrate her 93rd birthday on June 26th, marking another year in what has already been a remarkable life; and

WHEREAS, Joan M. Thomas has served her community, Ward 4 and the District of Columbia in a variety of ways and has had an immense impact on the lives of our residents.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Joan M. Thomas Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council honors Joan M. Thomas for her commitment to our Ward 4 and District of Columbia communities and for the positive impact she has and continues to have.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

23-122

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To honor and recognize the Woodrow Wilson High School Crew team for winning their first ever Scholastic Rowing Association of America national championship.

WHEREAS, Wilson High School Crew was founded in 1985 and is the oldest high school rowing program in the District of Columbia and remains the only public-school rowing program in the District of Columbia;

WHEREAS, Wilson High School’s Crew team consists of over 100 student-athletes that make up their Varsity Boys, Varsity Girls, Freshman Boys and Freshman Girls teams;

WHEREAS, Wilson High School’s Crew program runs Learn to Row programs for District of Columbia Public School middle school students;

WHEREAS, Wilson High School Crew is part of the Washington Metropolitan Interscholastic Rowing Association and compete annually at the Stotesbury Cup Regatta and Scholastic Rowing Association of America nationals;

WHEREAS, The 2019 Scholastic Rowing Association of America nationals were held on May 24th and May 25th at Dillon Lake in Nashport, Ohio;

WHEREAS, Wilson High School Crew’s Varsity boys took 1st place in the 8-boat race at the Scholastic Rowing Association of America nationals;

WHEREAS, the members of the team included senior Coxswain Natalia Facchinato-Sitja, senior 8-seat Dean Gwadz, senior 7-seat Rory Hagerty, junior 6-seat Michal Horan, senior 5-seat Sebastian Murrell, senior 4-seat Ethan Klein, senior 3-seat Ian Conway, sophomore 2-seat Emmett Patterson, and junior 1-seat Nicholas Antrim;

WHEREAS, Wilson High School Crew’s varsity boys’ team was led by Head Coach Joseph McMullin, Assistant Coach Keith Casscells-Hamby, and Director of Rowing Chris Rickard;

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WHEREAS, Wilson High School Crew’s national championship marks the first time a District of Columbia Public School program has won the rowing national championship; and

WHEREAS, Wilson High School Crew’s varsity boys team and program as a whole have done an exemplary job of representing the District of Columbia and we are all proud of them for their remarkable accomplishment.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Woodrow Wilson High School Crew 2019 National Championship Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council honors the student-athletes and coaches of the Wilson High School Crew team for their landmark national championship and looks forward to seeing what both the program and student-athletes accomplish in the future.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

23-123

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To posthumously honor the nine victims who lost their lives and remember the 80 who were injured as well as the first responders on the 10th anniversary of the Metro crash between Fort Totten and Takoma stations on June 22, 2009;

WHEREAS, on June 22, 2009 two metro rail trains collided on the red line between Fort Totten and Takoma;

WHEREAS, the collision marked the worst accident in the history of Metro, killing 9 and injuring 80;

WHEREAS, the 9 fatalities were Maj. Gen. David F. Wherley Jr., Ann Wherley, LaVonda “Nikki” King, Ana Fernandez, Veronica DuBose, Dennis Hawkins, Mary Doolittle, Cameron Williams, and Jeanice McMillan;

WHEREAS, those who passed away included a general, an entrepreneur, a public-school teacher, a nursing student, advocates, mothers, fathers, brothers, sisters, spouses and partners;

WHEREAS, the nine people who perished were all valuable members of our District of Columbia community and helped countless people before their untimely deaths;

WHEREAS, 80 other people were injured in the collision and first responders were on the scene within minutes of the events and were critical in making sure the tragedy was not made worse;

WHEREAS, on June 22, 2012 Ward 4 Councilmember Muriel Bowser had a plaque placed at Fort Totten station to remember the victims of the collision;

WHEREAS, on June 22, 2014 Mayor Vincent C. Gray broke ground on Legacy Memorial park to honor the 9 fatalities;

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WHEREAS, on June 22, 2015 Mayor Muriel Bowser opened the Legacy Memorial Park to honor the 9 victims who lost their lives in the crash and provide their family, friends and communities with a place of solace and remembrance; and

WHEREAS, June 22, 2019 marks 10 years since the horrific event occurred, and we will never forget those who perished that day.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “10th Anniversary of the Metro Collision and Victim Remembrance Posthumous Recognition Resolution of 2019”.

Sec. 2. The Council posthumously honors the 9 victims of the June 22, 2009 collision as well as the 80 injured and first responders who all had their life altered that day.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

23-124

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To recognize and honor Reverend Reginald M. Green Sr., on the occasion of his 80th Birthday on June 17, 2019.

WHEREAS, Reverend Reginald M. Green Sr., was born in Washington D.C. on June 17, 1939 and presently resides in Ward 5;

WHEREAS, Reverend Reginald Green Sr., resided in Ward 6 of Washington, D.C. for most of his childhood;

WHEREAS, Reverend Reginald M. Green Sr., was educated in the District of Columbia at Anthony Bowen Elementary, Randall Jr. High School and Dunbar Senior High School;

WHEREAS, Reverend Reginald M. Green Sr., attended The Virginia Union University in Richmond V.A. where he was a member of the Student Nonviolent Coordinating Committee known as SNCC, received his Bachelor’s degree 1964 and earned his Masters of Theology in 1967 at Samuel Dewitt Proctor School of Theology in Richmond, Virginia;

WHEREAS, Reverend Reginald M. Green Sr., boarded a Trailways Bus as a “Freedom Rider” which he was arrested for protesting and spent 30 days in the Jackson, Mississippi penitentiary;

WHEREAS, Reverend Reginald M. Green Sr., upon his release from the Mississippi penitentiary, Reverend Reginald Green met Dr. Martin Luther King Jr.;

WHEREAS, Reverend Reginald M. Green Sr., was a guest on the Oprah Winfrey Show in celebration of the 50th Anniversary of the Freedom Rides;

WHEREAS, Reverend Reginald M. Green Sr., co-authored several scholarly works such as, *Churches in the Shaw Urban Renewal Area* (1970), *Forms of Legalized Gambling in the District of Columbia*, (1970), *The Significance of England’s Housing Policies and Programs to*

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the District of Columbia (1970), and presently working on a book describing his experiences as a Freedom Rider;

WHEREAS, Reverend Reginald M. Green Sr., dedicated 38 years to the D.C. Department of Housing and Urban Development and retired in 1990;

WHEREAS, Reverend Reginald M. Green Sr., Pastored Walker Memorial Baptist Church for over 40 years and is the interim Pastor at Israel Baptist Church in Ward 5 as of November 2018 and also pastored at Jerusalem Baptist Church and First and Rising Mt. Zion;

WHEREAS, Reverend Reginald M. Green Sr., married Olivia Harris on July 11, 1964;

WHEREAS, Reverend Reginald M. Green Sr., is the father of Reginald Green Jr. and Leander Green;

WHEREAS, Reverend Reginald M. Green Sr., serves on the board for the Holocaust Museum and the Civil War Memorial;

WHEREAS, Reverend Reginald M. Green Sr., received the Winston Churchill Fellowship Award, which allowed him to study housing abroad;

WHEREAS, Reverend Reginald M. Green Sr., enjoys fishing, bowling, golfing and spending time with friends and family; and

WHEREAS, Reverend Reginald M. Green Sr., committed to a life of service and community advancement and celebrates his 80th birthday.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reverend Reginald M. Green Sr., 80th Birthday Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and honors Reverend Reginald Green Sr., on the occasion of his 80th birthday;

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

23-125

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To recognize and honor Assistant Fire Chief David Foust, on the occasion of his retirement, for his years of exemplary service to the government and residents of the District of Columbia.

WHEREAS, Assistant Fire Chief David Foust started his fire service career in 1981 as a volunteer firefighter in Pennsylvania, and in 1985, he continued his volunteer service in Prince George’s County, Maryland;

WHEREAS, Assistant Fire Chief Foust was appointed to the District of Columbia Fire and Emergency Medical Services Department (“the Department”) and assigned to Truck 6, located in the Columbia Heights community;

WHEREAS, Assistant Fire Chief Foust served the residents of the District of Columbia for 31 years, beginning his career as a Firefighter before being promoted to Firefighter Technician, Sergeant, Lieutenant, Captain, Battalion Fire Chief, Deputy Fire Chief, and finally, Assistant Fire Chief;

WHEREAS, Assistant Fire Chief Foust served in the Fire Operations Division, followed by the Administrative Services Division at the Facility Maintenance Office, where he was responsible for procurement, contracting, budget, grants, daily operational repairs, capital improvements, and major renovations and repairs to a number of the Department’s facilities;

WHEREAS, Assistant Fire Chief Foust later also oversaw the Risk Management Division, Fleet Maintenance Division, Property and Logistics Division, Police and Fire Clinic, Training Academy, Professional Services Office, and Compliance and Review Division;

WHEREAS, Assistant Fire Chief Foust worked on apparatus, modernization, and redevelopment projects totaling an estimated \$300 million, including renovations or new stations at Engines 1, 10, 13, 14, 15, 16, 17, 20, 22, 25, 28, 29, as well as the Training Academy and a new facility on Adams Place, NE;

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WHEREAS, many of the projects that Assistant Fire Chief Faust managed improved the living and working conditions of Department employees across the District, protected the public safety of many District neighborhoods, and enhanced the Department’s image as a modern, progressive agency; and

WHEREAS, Assistant Fire Chief Foust hails from a loving family, including his wife Ellen and their children Alyssa, Alexander, David, Andrew, and Christian.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Assistant Fire Chief David Foust Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia recognizes and honors Assistant Fire Chief David Foust, on the occasion of his retirement, for his years of exemplary service to the government and residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-126

COUNCIL OF THE DISTRICT OF COLUMBIA

June 25, 2019

To recognize and honor the Friends organizations of the D.C. Public Library for the dedicated and valuable service provided to the D.C. Public Library and the citizens of the District of Columbia.

WHEREAS, the D.C. Public Library Federation of Friends, a 501(c)(3) non-profit organization, was founded in 1985 to coordinate funding for a mural of Martin Luther King, Jr. and has since secured and administered over \$4 million in funding for D.C. Public Library programs, with literacy and children’s programs as key focus areas;

WHEREAS, the D.C. Public Library Friends groups are Anacostia Friends, Friends of Chevy Chase (D.C.) Library, Friends of Cleveland Park Library, Deanwood Library Friends, Friends of the Dorothy I. Height/Benning Road Library, Friends of the Francis A. Gregory Library, Georgetown Library Friends, Juanita E. Thornton-Shepherd Park Friends, Lamond-Riggs Library Friends, Lockridge/Bellevue Library Friends, MLK Library Friends, Mt. Pleasant Friends, Northeast Library Friends, Parklands-Turner Friends, Friends of the Palisades Library, Friends of the Petworth Library, Friends of the Regional Library for the Blind, Friends of the Rosedale Library, Southeast/Northeast Friends of the Capitol View Library, Friends of Southeast Library, Friends of Southwest Library, Friends of the Takoma Park (D.C.) Neighborhood Library, Friends of the Tenley-Friendship Library, Friends of the Watha T. Daniels/Shaw Branch Library, West End Library Friends and the Friends of Woodridge Library;

WHEREAS, the D.C. Public Library Friends groups are comprised of volunteers who use the D.C. Public Library and reside throughout the 8 Wards of the District of Columbia;

WHEREAS, the D.C. Public Library Friends groups are strong advocates for D.C. Public Library services, programs, facilities and funding at the community level and before the Council of the District of Columbia and the Mayor’s Office;

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WHEREAS, the D.C. Public Library Friends groups organized and created the DCPL Federation of Friends in 1990 to maximize their advocacy, to strengthen their fundraising, and to share skills and talent;

WHEREAS, through the strong advocacy of the D.C. Public Library Friends groups and the DCPL Federation of Friends, the D.C. Public Library has experienced consistent and increasing levels of funding that have significantly impacted the collections, programs, technology, and facilities of the D.C. Public Library;

WHEREAS, the advocacy and support of the D.C. Public Library Friends groups and the DCPL Federation of Friends have been instrumental in securing funding to renovate the historic Martin Luther King Jr. Memorial Library; and

WHEREAS, the D.C. Public Library Friends groups and the DCPL Federation of Friends have contributed to the growing success and recognition of the District of Columbia’s library system as it becomes a world class 21st century library system.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Friends of D.C. Public Library Appreciation Day Resolution of 2019”.

Sec. 2. The Council recognizes and honors the D.C. Public Library Friends groups and the DCPL Federation of Friends for the valuable and dedicated service they have provided to the D.C. Public Library and to the residents of the District of Columbia, and proclaims July 15, 2019, as "Friends of the D.C. Public Library Appreciation Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-127

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To posthumously honor and recognize the extraordinary life of Fred Foss who dedicated his life to Jazz and education in the District of Columbia.

WHEREAS, Fred Foss was born on April 19, 1949 in New York City where he grew up in Corona, Queens, a neighborhood known for its famous jazz musician residents such as Louis Armstrong, Cannonball Adderly, Nat Adderly, Jimmy Heath and Clark Terry;

WHEREAS, Fred Foss took up music at the age of 19 when he began playing the saxophone and in 1970 at the age of 21 he enrolled at Binghamton University to study political science and African-American studies, where he would continue to play the saxophone;

WHEREAS, following graduation from Binghamton University, Fred Foss pursued a career in music and joined the Lionel Hampton Orchestra as their baritone saxophonist where he would tour for 4 years;

WHEREAS, Fred Foss was dedicated to preserving Jazz as the American Classical Music by inspiring present and future generations of young musicians through his enthusiastic pursuit of its cultural experience;

WHEREAS, Fred Foss moved to the District of Columbia in 1980 to accept a teaching job that lead to a teaching career in which he worked with various Howard University students and taught at Lettum Play, the Fillmore Art School and the University of Maryland;

WHEREAS, in the mid-1990s Fred Foss organized and established the Fred Foss Youth Orchestra, which would become one of the District of Columbia’s most prominent schools for aspiring jazz musicians and produced bassists Ameen Saleem and Eric Wheeler, pianists Janelle Gill and Noble Jolley, and drummers Kush Abadey and Nate Jolley;

WHEREAS, in 2017 Fred Foss became the founding director of the Bethesda Blues & Jazz Youth Orchestra;

WHEREAS, Fred Foss participated in American and cross-cultural musical groups and ensembles that have been enjoyed by audiences across the world;

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WHEREAS, Fred Foss was a recipient of the 2019 Lifetime Achievement Award by the DC Jazz Festival in recognition of his stellar contributions to Jazz Music;

WHEREAS, Fred Foss passed away on the morning of April 23, 2019; and

WHEREAS, Fred Foss leaves an impeccable legacy through his dedication to the art of Jazz Music and commitment to educating younger generations about Jazz Music.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fred Foss Posthumous Recognition Resolution of 2019”.

Sec. 2. The Council posthumously honors Fred Foss for his commitment to the education and the arts in the District of Columbia.

Sec. 3. This Resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-128

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To honor the District’s Fire and Emergency Medical Services Department for its dedication to and protection of the citizens and visitors of Washington, D.C., and for their valiant and courageous service to the metropolitan area after the attacks of September 11, 2001.

WHEREAS, on the occasion of the 18th Anniversary of the September 11, 2001 terrorist attacks on United States, the Council of the District of Columbia honors the memory of the nearly 3,000 people who perished from the attack, including 12 victims from the District;

WHEREAS, an exceptionally courageous force of first responders - including more than 100,000 firefighters, paramedics, rescue and recovery workers, and police officers across the country- risked their lives that day to save the lives of others;

WHEREAS, the brave District Fire and EMS Department which, along with the Arlington County Fire Department and other local fire agencies, helped with the Pentagon recovery efforts on September 11, 2001;

WHEREAS, the men and women who serve as first responders in the District of Columbia carry out the extraordinary responsibility of protecting not only District residents, but also all who visit and work here, and have always done so with tremendous dedication and respect;

WHEREAS, the men and women of the District’s emergency services have fulfilled every duty to the District and their country in an honorable, courageous, and timely fashion, and they have demonstrated immense compassion for those who have suffered unforeseeable tragedies, while routinely considering the safety and well-being of others before their own;

WHEREAS, nationally, thousands of first responders have suffered adverse physical and emotional effects in the 17 years since 2001 and, even now, are at significantly greater risk for developing occupational cancers due to their exposure to chemicals and debris from the attacks;

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WHEREAS, the Council acknowledges that there is more work to be done to support our first responders and to ensure that our men and women are suitably cared for and compensated for their brave work defending the District, our country, and ideals; and

WHEREAS, it is fully right and just to honor the memory of those who lost their lives in the terrorist attacks nearly 2 decades ago, and it is equally compelling to observe and pay our respects to the first responders of the District and their bravery and selflessness in the face of extraordinarily trying circumstances.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution be cited as the “September 11th Emergency and First Responders Remembrance and Recognition Resolution of 2019”.

Sec. 2. The Council of the District of Columbia honors its first responders for their tremendous commitment to serving the District, and remembers emergency workers who dutifully served their country in the face of danger on September 11, 2001.

Sec. 3. This resolution should go into effect as soon as the date is published in the District of Columbia Register.

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A CEREMONIAL RESOLUTION

23-129

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To recognize Trinette Chase for being named Ms. Senior DC for 2019 and for a lifetime of service to families, seniors, and communities.

WHEREAS, on Saturday, June 30, 2019 she was selected from among 8 contestants to reign as the 2019 and 2020 Ms. Senior DC in the annual pageant produced by the DC Department of Aging and Community Living;

WHEREAS, she will represent Washington DC as a candidate for Ms. Senior America on October 24, in Atlantic City, New Jersey;

WHEREAS, she has extended her creative talents as a Seamstress, Natural Hair Designer and Transformational Life Coach in service to seniors, families and communities in Washington DC for over 30 years;

WHEREAS, she is a cancer survivor and a survivor of the Arthur Capper Senior Building Fire last year where 162 seniors lost all their possessions and memoirs;

WHEREAS, after the fire and the seniors’ transition during time in several hotels, she conducted weekly reflective healing sessions with the assistance of Dr. Bruce Purnell, psychologist and director of a non-profit organization serving the community;

WHEREAS, she has organized a Sewing Center and Classes for seniors located in the Arthur Capper Community Center to share her creative talents in sewing, quilting, jewelry making and more; and

WHEREAS, she has transformed many lives, building creative and engaging bridges leading to healthy, healing, safe, loving, thriving, and drug free lifestyles with seniors, families and communities.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Trinette Chase Ms. Senior DC Recognition Resolution of 2019”.

ENROLLED ORIGINAL

Sec. 2. The Council of the District of Columbia expresses its deepest appreciation for the work that Trinette Chase has done for the people of the District of Columbia and congratulates her on being named Ms. Senior DC 2019.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-130

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To celebrate the 70th birthday of Frances Johnson and to recognize the impact that she has made through her work and engagement in both Ward 4 and the District of Columbia as a whole.

WHEREAS, Frances Johnson was born on July 23rd, 1949 in Washington, D.C. where graduated from St. Cecilia’s Academy and the District’s first land-grant college, The Washington Technical Institute, where she earned a degree in Business Administration/Secretarial Science with academic honors;

WHEREAS, Frances Johnson is known to many family, friends, and community members as “Fran”, is a 3rd generation native Washingtonian, proud Ward 4 resident, mother to 3 children, and grandmother to 6 grandchildren;

WHEREAS, Frances Johnson started her community service in 1964 as a volunteer at Freedmen's Hospital (currently known as Howard University Hospital) and Washington Hospital Center as a candy striper;

WHEREAS, since 1984 Frances Johnson has served as a community advocate for hearing impaired children in the Ward 4 neighborhood of the District of Columbia which resulted in hearing impaired signs installed in the community;

WHEREAS, Frances Johnson attended numerous community meetings regarding quality of life issues for Ward 4 residents who reside near the WMATA Bus Barn on 14th and Decatur Street NW and has advocated for increased lighting to deter crime, clean streets and to prevent air pollution and respiratory issues;

WHEREAS, Frances Johnson is the co-founder of Shammah, Inc., a nonprofit organization whose mission is to help the economically disadvantaged and promote integrity and honesty back into the community;

ENROLLED ORIGINAL

WHEREAS, Frances Johnson has provided food and shelter to the homeless and the poor by offering a place in her home. Frances dropped off hundreds of food packages through the “Share Food Program,” to aid in food relief;

WHEREAS, Frances Johnson served as “Ms. Senior District of Columbia,” in 2017, attended weekly community engagement events as an advocate for the senior community on quality of life issues such as education, housing, health, financial literacy, and the city’s mission of “age friendly DC” in addition to testifying at many DC Council hearings and speaking at community forums and moderating several programs in partnership with the D.C. Office on Aging and Community Living;

WHEREAS, Frances Johnson retired from the International Business Machines Corporation (IBM) with 30 years of service in excellence and was the first African American legal secretary hired in IBM’s intellectual property division in 1970;

WHEREAS, Frances Johnson served as a presidential appointee of the William Jefferson Clinton Administration from 1995 to 2001 as “Confidential Assistant to the Special Assistant to the President” of the United States - Department of Agriculture;

WHEREAS, Frances Johnson co-authored the book “The Second Talk” in 2015, a guide for our future leaders that aids in educating the African American community on tips to return home safely when pulled over by law enforcement;

WHEREAS, Frances Johnson has been featured on Television as NBC News 4’s Morning Person as Superwoman, NBC 4’s Ms. Senior District of Columbia 2017 and Who and What is the Role of Ms. Senior D.C.; and

WHEREAS, Frances Johnson has spent 70 years bettering Ward 4 and the District of Columbia through her advocacy and hard work and has been an important leader in our community.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Frances Johnson 70th Birthday Ceremonial Recognition Resolution of 2019”.

Sec. 2. The Council honors Frances Johnson for her commitment to our Ward 4 and District of Columbia communities and for the positive impact she has had and continues to have.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

23-131

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 9, 2019

To honor and celebrate the United States Women’s National Team for reaching the pinnacle of soccer by becoming the 2019 FIFA Women’s World Cup Champions;

WHEREAS, on July 7th, at the Stade de Lyon in France, the United States Women’s National Team won the 2019 FIFA Women’s World Cup with a 2-0 triumph against the Netherlands Women’s National Football Team;

WHEREAS, the United States Women’s National Team won all 7 games in the series, allowing only 3 goals to be scored against them, and made history as the highest scoring team ever in a FIFA Women’s World Cup with 26 total goals scored;

WHEREAS, the players of the 2019 team join a legacy of outstanding American female athletes in the sport of soccer, with the United States Women’s National Team placing in the top 3 of every FIFA Women’s World Cup tournament since its inception with championship wins in 1991, 1999, and 2015;

WHEREAS, of the 8 FIFA Women’s World Cup tournaments that have been held, this latest championship marks the 4th win for the United States Women’s National Team—marking the United States Women’s National Team as the most winning women’s team in World Cup history;

WHEREAS, Captain and Forward Megan Rapinoe was awarded the 2019 Golden Ball as the best player in the tournament and earned the 2019 Golden Boot for scoring 6 goals and 3 assists during 428 total minutes of game play, including the first goal of the final with a penalty kick in the 61st minute;

WHEREAS, Captain and Forward Alex Morgan earned the Silver Boot for becoming the first player to score five goals in a Women’s Cup match and continued that strong performance with 6 total goals and 3 assists in 490 total minutes of game play;

ENROLLED ORIGINAL

WHEREAS, Midfielder Rose Lavelle was awarded the 2019 Bronze Ball for her speed, superior technical play, and game-securing goal with an impressive drive up center field at minute 69 of the championship final against the Netherlands;

WHEREAS, Head Coach Jill Ellis is an undefeated FIFA Women’s World Cup coach with 14 total winning games and, with this latest win, has become the first female head coach to achieve back-to-back championship titles;

WHEREAS, unified to represent the United States on the international stage, the 2019 United States Women’s National Team comprises top athletes from competing club teams across the country. The 2019 team roster, led by Captains Carli Lloyd, Alex Morgan, Megan Rapinoe, and Becky Sauerbrunn, includes:

- Alyssa Neaher, Goalkeeper #1
- Ashlyn Harris, Goalkeeper #18
- Adrianna Franch, Goalkeeper #21
- Mallory Pugh, Forward #2
- Carli Lloyd, Forward #10
- Alex Moran, Forward #13
- Megan Rapinoe, Forward #15
- Tobin Heath, Forward #17
- Jessica McDonald, Forward #22
- Christen Press, Forward #23
- Samantha Mewis, Midfielder #3
- Morgan Brian, Midfielder #6
- Julie Ertz, Midfielder #8
- Lindsey Horan, Midfielder #9
- Rose Lavelle, Midfielder #16
- Allie Long, Midfielder #20
- Becky Sauerbrunn, Defender #4
- Kelley O’Hara, Defender #5
- Abby Dahlkemper, Defender #7
- Ali Krieger, Defender #11
- Tierna Davidson, Defender #12
- Emily Sonnett, Defender #14
- Crystal Dunn, Defender #19

WHEREAS, Washington Spirit players Mallory Pugh and Rose Lavelle were selected to play for the 2019 United States Women’s National Team and have represented the Washington region exceptionally well in the World Cup;

ENROLLED ORIGINAL

WHEREAS, the United States Women’s National Team have used their national and international platform to champion equal pay and gender parity in sports, demonstrating that, as female athletes who compete at the highest level, women accordingly deserve equal pay to their male counterparts; and

WHEREAS, the players on the United States Women’s National Team represent the strength of women in sport, perseverance through injury and penalties, and fortitude in the face of adversity—undoubtedly inspiring adults and children across the country to pursue athletics and equality for all.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “United States Women’s National Team World Cup Champions Recognition Resolution of 2019”.

Sec. 2. The District of Columbia recognizes the United States Women’s National Team’s extraordinary achievement in the 2019 FIFA Women’s World Cup and celebrates the most successful team in international women’s soccer history.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

COUNCIL OF THE DISTRICT OF COLUMBIA**PROPOSED LEGISLATION****BILLS**

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|---------|--|
| B23-513 | Hate Crime Civil Enforcement Clarification Amendment Act of 2019 Intro. 10-22-19 by Chairman Mendelson at the request of the Attorney General and referred to the Committee on Judiciary and Public Safety |
| <hr/> | |
| B23-515 | Statewide Educational Data Warehouse Amendment Act of 2019 Intro. 10-25-19 by Chairman Mendelson at the request of the District of Columbia State Board of Education and referred sequentially to the Committee on Education and the Committee of the Whole |
| <hr/> | |
| B23-522 | Closing a portion of Chesapeake Street, S.W., Magazine Road, S.W., and Keel Avenue, S.W.; the removal of building restriction lines associated with the portion of Chesapeake Street, S.W., being closed; and the transfer of jurisdiction back to the Secretary of the Navy of the portion of Keel Avenue, S.W. being closed, in Parcels 251/55, 251/56, 242/32, 252/62, 259/1, 259/11, 259/14 and 259/16 in Southwest Washington, D.C., S.O. 14-21786, Act of 2019 Intro. 10-31-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole |
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PROPOSED RESOLUTIONS

- PR23-518 Board of Barber and Cosmetology Jared Scott Confirmation Resolution of 2019
- Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR23-519 Board of Barber and Cosmetology Mr. Eric Doyle Confirmation Resolution of 2019
- Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR23-520 Board of Barber and Cosmetology Mr. Anwar Saleem Confirmation Resolution of 2019
- Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR23-521 Board of Barber and Cosmetology Kandace Murray Confirmation Resolution of 2019
- Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR23-522 Board of Barber and Cosmetology Nanita Wilson Confirmation Resolution of 2019
- Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR23-523 Homeland Security Commission Philip McNamara Confirmation Resolution of 2019
- Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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PR23-524 Homeland Security Commission Brad Belzak Confirmation Resolution of 2019
Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR23-525 Commission on Health Equity Leila Finucane Confirmation Resolution of 2019
Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR23-526 Executive Director of the Office on African American Affairs Ashley Emerson Confirmation Resolution of 2019
Intro. 10-22-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Government Operations

PR23-528 Department on Disability Services Formal Complaint System Rulemaking Approval Resolution of 2019
Intro. 10-24-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Human Services

PR23-529 Police Complaints Board Diane Groomes Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety

PR23-530 Board of Medicine Thomas Dawson Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR23-531 Board of Medicine Archie Rich Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

PR23-532 Board of Medicine Thomas Smith Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

- PR23-533 Board of Medicine Terrence Straub Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-534 Board of Medicine David Wessel Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR23-535 Apprenticeship Council Leroy Watson Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
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- PR23-536 Apprenticeship Council Courtland Cox Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
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- PR23-537 Director of the Office on Returning Citizens Affairs Lamont Carey Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Facilities and Procurement
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- PR23-538 Alcoholic Beverage Control Board Jeni Hansen Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR23-539 Public Employee Relations Board Harriet Segar Confirmation Resolution of 2019
Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development
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- PR23-540 Child Support Guideline Commission David E. Martínez Confirmation Resolution of 2019
- Intro. 10-25-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR23-542 Board of Directors of the Washington Metropolitan Area Transit Authority Stephanie Gidigbi Appointment Resolution of 2019
- Intro. 10-29-19 by Chairman Mendelson and referred to the Committee of the Whole
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- PR23-545 District of Columbia Corrections Information Council Charles Thornton Confirmation Resolution of 2019
- Intro. 10-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR23-546 District of Columbia Corrections Information Council Calvin Woodland, Jr. Confirmation Resolution of 2019
- Intro. 10-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety
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- PR23-547 Green Finance Authority Board Lori Chatman Confirmation Resolution of 2019
- Intro. 10-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
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- PR23-548 District of Columbia Housing Finance Agency Board of Directors Buwa Binitie Confirmation Resolution of 2019
- Intro. 10-30-19 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization
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PR23-551 Washington Convention and Sports Authority Board of Directors Brian Kenner
Confirmation Resolution of 2019

Intro. 10-31-19 by Chairman Mendelson at the request of the Mayor and
referred to the Committee of the Whole

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF A PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

**Bill 23-91, Department of Buildings Establishment Act of 2019
Office of Inspector General Prospective Evaluation of Bill 23-91
and Evaluation of DCRA Business Processes**

on

**Tuesday, December 10, 2019
11:30 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on **Bill 23-91, the “Department of Buildings Establishment Act of 2019,” and the Office of Inspector General’s (OIG) Prospective Evaluation of Bill 23-91 and Evaluation of DCRA Business Processes.** The hearing will be held on **Tuesday, December 10, 2019 at 11:30 a.m. in Room 412** of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 23-91 is to establish a Department of Buildings (DOB) as a new subordinate agency within the Executive branch, redesignating the Department of Consumer and Regulatory Affairs as the Department of Licensing and Consumer Protection (DLCP) to reflect the revised responsibilities of that agency. The Department of Buildings will be responsible for the administration and enforcement of construction compliance, rental housing safety, and residential property maintenance activities. On May 31, 2019, Chairman Mendelson requested that the Office of Inspector General (OIG) conduct a prospective evaluation of Bill 23-91 and analyze the business processes of DCRA to recommend where the agency and Council can improve the agency’s performance. The OIG contracted with Federal Management Systems, Inc. to conduct these evaluations and produce a report that will be the subject of this hearing in addition to Bill 23-91 more generally.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Blaine Stum, Legislative Policy Advisor at (202) 724-8092, and provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, December 6, 2019. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on December 6th the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at, <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, December 27, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004

REVISED

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0322, THE “WINDOW BLIND SAFETY NOTIFICATION ACT OF 2019”

BILL 23-0325, THE “DEMENTIA TRAINING FOR DIRECT CARE WORKERS ACT OF 2019”

BILL 23-0341, THE “PERINATAL HEALTH WORKER TRAINING ACCESS ACT OF 2019”

BILL 23-0362, THE “MATERNAL HEALTH CARE IMPROVEMENT AND EXPANSION ACT OF 2019”

BILL 23-0416, THE “BETTER ACCESS FOR BABIES FOR INTEGRATED EQUITABLE SERVICES ACT OF 2019”

BILL 23-0507, THE “POISON CONTROL CENTER DESIGNATION ACT OF 2019”

**WEDNESDAY, DECEMBER 18, 2019
11:00 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 23-0322, the “Window Blind Safety Notification Act of 2019”, Bill 23-0325, the “Dementia Training for Direct Care Workers Act of 2019”, Bill 23-0341, the “Perinatal Health Worker Training Access Act of 2019”, Bill 23-0362, the “Maternal Health Care Improvement and Expansion Act of 2019”, Bill 23-0416, the “Better Access for Babies for Integrated Equitable Services Act of 2019”, and Bill 23-0507, the “Poison Control Center Designation Act of 2019.” The hearing will be held on Wednesday, December 18, 2019, at 11:00 a.m., in Room 500 of the John A. Wilson Building. **This notice has been revised to reflect the addition of Bill 23-0325, Bill 23-0416, and Bill 23-0507 to the hearing agenda.**

Bill 23-0322, the “Window Blind Safety Notification Act of 2019”, requires hospitals, health care facilities and birth centers to provide notice regarding the danger window blinds pose to children.

Bill 23-0325, “Dementia Training for Direct Care Workers Act of 2019”, requires dementia training for direct care workers, which includes staff whose work involves extensive contact with

residents or program participants of residential facilities or home-and community-based programs that provide supportive services.

Bill 23-0341, the “Perinatal Health Worker Training Access Act of 2019”, requires the Department of Health to distribute grant funds to promote a perinatal health worker training program for residents in Wards 5, 7, and 8 in the health field.

Bill 23-0362, the “Maternal Health Care Improvement and Expansion Act of 2019”, requires individual or group health plans and health insurance coverage through Medicaid or the D.C. Healthcare Alliance program to cover at least two postpartum healthcare visits, home visits, fertility preservation services, and transportation stipends for travel to and from prenatal and postpartum visits. It also requires Medicaid to provide coverage for pregnant District residents that meet income eligibility requirements for one year postpartum. Among other things, it establishes a Center on Maternal Health and Wellness.

Bill 23-0416, the “Better Access for Babies for Integrated Equitable Services Act of 2019”, adds provisions to the Comprehensive Newborn Screening Program to establish discharge standards and authorizes penalties for failure to comply with the standards or perform the necessary screens. It would also authorize the Department of Health to collect information from hospitals and birthing facilities to create a report card regarding compliance with newborn screening requirements, lactation support services, parent education, discharge standards, and clinical quality measures. It also creates a Perinatal and Infant Health Advisory Committee that would advise on ways to reduce preterm birth and newborn screening activities.

Bill 23-0507, the “Poison Control Center Designation Act of 2019”, designates the National Capital Poison Center, located at 3201 New Mexico Avenue NW, Suite #310 Washington, DC 20016 as the District's poison control center.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, December 16, 2019. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004

CANCELLATION

COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH

ANNOUNCES A PUBLIC HEARING ON

**BILL 23-0325, THE “DEMENTIA TRAINING FOR DIRECT CARE WORKERS ACT
OF 2019”**

**FRIDAY, NOVEMBER 22, 2019
11:00 A.M., ROOM 500, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 23-0325, the “Dementia Training for Direct Care Workers Act of 2019.” The hearing will be held on Friday, November 22, 2019, at 11:00 a.m., in Room 500 of the John A. Wilson Building.

Bill 23-0325 would require dementia training for direct care workers, which includes staff whose work involves extensive contact with residents or program participants of residential facilities or home-and community-based programs that provide supportive services.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Wednesday, November 20, 2019. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004. **This public hearing on Bill 23-0325, the “Dementia Training for Direct Care Workers Act of 2019” is cancelled.**

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HEALTH
NOTICE OF PUBLIC HEARING
1350 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20004**

Abbreviated/Revised

**COUNCILMEMBER VINCENT C. GRAY, CHAIRPERSON
THE COMMITTEE ON HEALTH**

ANNOUNCES A PUBLIC HEARING ON

BILL 23-0326, THE “POSTPARTUM COVERAGE ACT OF 2019”

**BILL 23-0360, THE “CONTINUING NUTRITION EDUCATION AMENDMENT ACT OF
2019”**

BILL 23-0430, THE “ACCESS TO BIOSIMILARS AMENDMENT ACT OF 2019”

**WEDNESDAY, NOVEMBER 13, 2019
12:00 P.M., ROOM 412, JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Vincent C. Gray, Chairperson of the Committee on Health, announces a Public Hearing on Bill 23-0326, the “Postpartum Coverage Act of 2019”, Bill 23-0360, the “Continuing Nutrition Education Amendment Act of 2019”, and Bill 23-0430, the “Access to Biosimilars Amendment Act of 2019.” The hearing will be held on Wednesday, November 13, 2019, at 12:00 p.m., or immediately following the Committee on Health and Committee on Education’s joint hearing, in Room 412 of the John A. Wilson Building. **This notice has been revised to reflect the removal of Bill 23-0416, the “Better Access for Babies to Integrated Equitable Services Act of 2019” from the hearing agenda.**

Bill 23-0326, the “Postpartum Coverage Act of 2019”, extends postpartum inpatient and outpatient benefits to at least a year after childbirth.

Bill 23-0360, the “Continuing Nutrition Education Amendment Act of 2019”, requires continuing education for certain health occupations on the subject of nutrition.

Bill 23-0430, the “Access to Biosimilars Amendment Act of 2019”, authorizes licensed pharmacists to dispense interchangeable biological products, and requires notifications to physicians when such interchangeable biological products are dispensed. An interchangeable biological product is a biological product licensed by the US Food and Drug Administration to meet the standards of interchangeability under federal law and determined to be therapeutically equivalent by the USFDA.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Malcolm Cameron, Committee Legislative Analyst at (202) 654-6179 or

mcameron@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization, preferably by 5:00 p.m. on Monday, November 11, 2019. Witnesses should bring 15 copies of their written testimony to the hearing.

The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to mcameron@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 113, Washington D.C. 20004.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

**PR 23-542, Board of Directors of the Washington Metropolitan Area Transit Authority
Stephanie Gidigbi Appointment Resolution of 2019**

on

**Tuesday, November 26, 2019, 2:30 p.m.
Room 412, Council Chambers, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on PR 23-542, the “Board of Directors of the Washington Metropolitan Area Transit Authority Stephanie Gidigbi Appointment Resolution of 2019.” The hearing will be held at **2:30 p.m., or immediately following the preceding hearing whichever occurs later, on Tuesday, November 26, 2019** in **Room 412** of the John A. Wilson Building.

The stated purpose of **PR 23-542** is to appoint Ms. Stephanie Gidigbi to the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA Board) for the remainder of an unexpired term to end June 30, 2021. The Washington Metropolitan Area Transit Authority (WMATA) is a regional instrumentality created through an interstate compact between the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to plan, develop, finance, and operate a regional transportation system in the Washington metropolitan area. The WMATA Board serves as the governing body for WMATA and is composed of Principal Directors and Alternate Directors appointed by the Council of the District of Columbia, the Northern Virginia Transportation Commission, the Washington Suburban Transit Commission, and the Secretary of the United States Department of Transportation. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of this nominee for the WMATA Board.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Peter Johnson at (202) 724-8083, and provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Friday, November 22, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 22, 2019 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 2, 2019.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

**PR 23-551, Washington Convention and Sports Authority Board of Directors Brian Kenner
Confirmation Resolution of 2019**

on

**Tuesday, November 26, 2019, 3:30 p.m.
Room 412, Council Chambers, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on PR 23-551, the “Washington Convention and Sports Authority Board of Directors Brian Kenner Appointment Resolution of 2019.” The hearing will be held at **3:30 p.m., or immediately following the preceding hearing whichever occurs later, on Tuesday, November 26, 2019 in Room 412** of the John A. Wilson Building.

The stated purpose of **PR 23-551** is to appoint Mr. Brian Kenner to the Washington Convention and Sports Authority Board of Directors (Events DC Board) for a four-year term to end May 16, 2023. The Washington Convention and Sports Authority (Events DC) is established as an independent authority of the District government. The mission of Events DC is two-fold: (1) generate economic and community benefits for the District by creating the premier event experience; and (2) promote Washington, D.C. as a world-class tourist destination. The Events DC Board, which is comprised of 12 members, serves as the governing body for Events DC. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of this nominee for the Events DC Board.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or call Peter Johnson at (202) 724-8083, and provide your name, address, telephone number, organizational affiliation and title (if any) by close of business **Friday, November 22, 2019**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 22, 2019 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>. Hearing materials, including a draft witness list, can be accessed at <http://www.chairmanmendelson.com/circulation>, 24 hours in advance of the hearing.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on December 10, 2019.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC OVERSIGHT HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRPERSON PHIL MENDELSON
COMMITTEE OF THE WHOLE
&
COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION**

ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING

on

Teacher and Principal Turnover & Retention

on

**Wednesday, December 4, 2019
11:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson, and Councilmember David Grosso, Chairperson of the Committee on Education, announce a joint public oversight hearing of the Committee of the Whole and the Committee on Education on the topic of Teacher and Principal Turnover and Retention in the District of Columbia. The oversight hearing will begin at **11:00 a.m.** on **Wednesday, December 4, 2019** in **Room 412** of the John A. Wilson Building.

The purpose of this oversight hearing is to receive testimony about teacher and school leader turnover and retention, both in District of Columbia Public Schools and District of Columbia public charter schools. Teachers are the foundation of a quality education, and they are vital to the success of our students and our schools. Previous testimony from the State Board of Education and advocate groups indicates that rates of teacher turnover in the District are higher than the national average and retention of effective and highly effective teachers is low across school sectors.

Testimony at this hearing will be limited to invited witnesses. For more information about testifying, email the Committee of the Whole at cow@dccouncil.us, or call LeKisha Jordan, Legislative Policy Advisor at (202) 724-8137. Witnesses are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to five minutes. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://chairmanmendelson.com/circulation>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted by email to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, December 18, 2019.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE ON EDUCATION
NOTICE OF JOINT PUBLIC OVERSIGHT HEARING**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRPERSON PHIL MENDELSON
COMMITTEE OF THE WHOLE**

&

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION**

ANNOUNCE A JOINT PUBLIC OVERSIGHT HEARING

on

Updates to the Master Facilities Plan

on

Wednesday, December 18, 2019

**2:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson, and Councilmember David Grosso, Chairperson of the Committee on Education, announce a joint public oversight hearing of the Committee of the Whole and the Committee on Education on updates to the District's public education Master Facilities Plan. The oversight hearing will be held at **2:30 p.m. on Wednesday, December 18, 2019 in Room 412** of the John A. Wilson Building.

The purpose of this oversight hearing is to receive testimony from the government and expert witnesses regarding the Executive's intention to provide a public education master facilities plan (MFP). The MFP, required by D.C. Code 38-2803, is intended to be a comprehensive analysis of facilities and population trends that provides school leaders and the public with a 10-year plan for public schools. The MFP, which requires Council approval, is supposed to address issues such as current and projected overcrowding, under-enrollment, facility modernization, and facility needs for public charter schools. A draft MFP was submitted to Council earlier this year (PR 23-193) but it was disapproved by the Council because it insufficiently addressed these issues. The law requires an MFP beginning on December 15, 2017 and every 10 years thereafter, but currently the District does not have one that has been approved.

Testimony at this hearing will be limited to invited witnesses. For more information about testifying, email the Committee of the Whole at cw@dccouncil.us, or call LeKisha Jordan, Legislative Policy Advisor at (202) 724-8137. Witnesses are encouraged, but not required, to submit 15 copies of written testimony. Witnesses should limit their testimony to five minutes. Hearing materials, including a draft witness list, can be accessed 24 hours in advance of the hearing at <http://chairmanmendelson.com/circulation>.

If you are unable to testify, written statements will be made a part of the official record. Written statements should be submitted by email to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, January 3, 2020.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON FACILITIES AND PROCUREMENT

ROBERT C. WHITE, JR., CHAIR

COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY

CHARLES ALLEN, CHAIR

REVISED

NOTICE OF JOINT PUBLIC OVERSIGHT ROUNDTABLE

**The Metro Transit Police Department's
Policing Practices and Their Impact on Communities of Color**

Tuesday, November 12, 2019, 2:00 PM
Room 123, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

On Tuesday, November 12, 2019, Councilmember Robert C. White Jr., Chair of the Committee on Facilities and Procurement, and Councilmember Charles Allen, Chair of the Committee on the Judiciary and Public Safety, will hold a Joint Public Oversight Roundtable on The Metro Transit Police Department's Policing Practices and Their Impact on Communities of Color. The Joint Public Oversight Roundtable will take place in Room 123 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 2:00 PM. **This public oversight roundtable notice has been revised to reflect a change in the hearing date from November 7, 2019 to November 12, 2019, the hearing time, and the hearing location.**

The purpose of the roundtable is to examine the policing practices of the Washington Metropolitan Area Transit Authority's Metro Transit Police Department ("MTPD") and their impacts on communities of color. A series of widely publicized interactions between people of color and MTPD has raised concerns about police-community relations, training, uses of force, and the effective deployment of de-escalation strategies. This roundtable will review existing policies and practices, the impact of those policies and practices, and any lessons learned from recent events.

The Committee invites the public to testify in person or to submit written testimony. Anyone wishing to testify should contact the Committee via e-mail at facilities@dccouncil.us or at (202) 741-8593, and provide their name, phone number or e-mail, organizational affiliation, and title (if any) by **close of business on Friday, November 8, 2019**. If you require translation or interpretation services, please notify the Committee at least one week prior to the date of the public oversight roundtable.

All public witnesses will be allowed a maximum of four minutes for oral testimony, while Advisory Neighborhood Commissioners will have a maximum of five minutes to testify. At the discretion of the Chair, the length of time provided for oral testimony may be reduced if there are

a large number of witnesses. Witnesses are encouraged, but not required, to bring **twenty single-sided copies** of their testimony in writing and submit their written testimony electronically in advance to facilities@dccouncil.us.

Witnesses are advised that should the public oversight roundtable extend beyond 12:00 p.m. or 6:00 p.m., the Committee will recess for a period of twenty minutes at each time. Should more than one hundred witnesses request to testify in person, the public oversight roundtable will recess after the first one hundred witnesses, and any witnesses signed up after the first one hundred will, at the discretion of the chair, be given the opportunity to either provide oral testimony when the roundtable reconvenes at a later date or submit written testimony for the record.

For witnesses who are unable to testify at the public oversight roundtable, written testimony will be made part of the official record. Copies of written testimony should be submitted to the Committee at facilities@dccouncil.us or to Nyasha Smith, Secretary of the Council, 1350 Pennsylvania Avenue, N.W., Suite 5, Washington, DC 20004. **The record will close at the close of business on Tuesday, November 26th, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON GOVERNMENT OPERATIONS
NOTICE OF PUBLIC ROUNDTABLE

1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER BRANDON T. TODD
COMMITTEE ON GOVERNMENT OPERATIONS

NOTICE OF PUBLIC ROUNDTABLE ON:

**PR23-0526 - Executive Director of the Office on African American Affairs Ashley Emerson
Confirmation Resolution of 2019**

Monday, November 18, 2019

3:00 p.m.

**Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

On Monday, November 18, 2019, Councilmember Brandon T. Todd, Chairperson of the Committee on Government Operations, will hold a public roundtable on PR23-0526, the “Executive Director of the Office on African American Affairs Ashley Emerson Confirmation Resolution of 2019”. This legislation would confirm Ashley Emerson as the Executive Director of the Office on African American Affairs. The roundtable will begin at 3:00 p.m. in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Ave., N.W., Washington, D.C. 20004.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sam Stephens, Legislative Assistant at GovernmentOperations@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by **close of business Friday, November 15, 2019.** Witnesses should bring 10 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to GovernmentOperations@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 117, Washington D.C. 20004. **The record will close at the end of the business day on November 19, 2019.**

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

Bill 23-524, Community Harassment Prevention Second Temporary Amendment Act of 2019, and **Bill 23-527**, Federal Worker Housing Relief Extension Temporary Act of 2019 were adopted on first reading on November 5, 2019. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on December 3, 2019.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

11:00 A.M., WEDNESDAY, NOVEMBER 20, 2019

FRANK D. REEVES MUNICIPAL CENTER
ALCOHOLIC BEVERAGE CONTROL BOARD HEARING ROOM
2000 14TH STREET, N.W., SUITE 400 SOUTH, 4TH FLOOR
WASHINGTON, D.C. 20009

The Alcoholic Beverage Control Board (Board) will hold a hearing to receive public comment concerning the Civil Penalty Schedule (23 DCMR § 800). The Civil Penalty Schedule was last updated in July 2018. The Board now proposes to amend the schedule by (1) including new infractions and penalties; (2) removing duplicative infractions; and (3) amending the descriptions of existing infractions.

The Board approved the Civil Penalty Schedule Notice of Proposed Rulemaking on September 11, 2019, four (4) to zero (0). On October 25, 2019, the proposed rulemaking was published in the *D.C. Register* for notice and public comment. See 66 DCR 14905 (October 25, 2019).

On November 20, 2019, at 11:00 a.m., the Board will hold a public hearing to receive comments on the proposed rulemaking.

HEARING INFORMATION

WHEN: 11:00 a.m. on Wednesday, November 20, 2019

WHERE: Alcoholic Beverage Control Board Hearing Room, 2000 14th Street, N.W., Suite 400 South, 4th Floor, Washington, D.C. 20009

Individuals and representatives of organizations that want to testify should contact ABRA General Counsel Martha Jenkins by **Friday, November 15, 2019**:

- Call - (202) 442-4456
- Email - abralegal@dc.gov
(include full name, title, and organization, if applicable, of the person(s) testifying in the email)

Witnesses should bring seven (7) copies of their written testimony to the Board. Testimony may be limited to five minutes in order to permit each person an opportunity to be heard.

Members of the public that are unable to testify in person are encouraged to provide written comments, which will be made a part of the Board's official record. Copies of written statements should be submitted to ABRA General Counsel Martha Jenkins no later than **4 p.m. on Friday, November 29, 2019**, at ABRA's mailing address or e-mail address stated above.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020

License No.: ABRA-092059
Licensee: Bravo Lounge, LLC
Trade Name: Bravo Bar
License Class: Retailer's Class "C" Tavern
Address: 2917 Georgia Ave, N.W.
Contact: Michael Resson: (202) 758-9876

WARD 1 ANC 1B SMD 1B10

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Request to change hours of operation and alcoholic beverage sales and service for the Summer Garden.

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday through Thursday 11am - 2am, Friday and Saturday 11am - 3am

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN

Sunday through Thursday 11am - 11pm, Friday and Saturday 11am - 12am

HOURS OF LIVE ENTERTAINMENT INDOORS

Sunday through Thursday 7pm - 2am, Friday and Saturday 7pm - 3am

PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SUMMER GARDEN

Sunday through Thursday 11am - 2am, Friday and Saturday 11am - 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-086424

License Class/Type: C Tavern

Applicant: RA - IY LLC

Trade Name: Sankofa Cafe

ANC: 1B09

Has applied for the renewal of an alcoholic beverage license at the premises:

2714 Georgia AVE NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Entertainment Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 7am - 2 am | 12 pm - 2 am | 2pm - 9 am |
| Monday: | 7am - 2am | 3 pm - 2 am | - |
| Tuesday: | 7 am - 2am | 3 pm - 2 am | - |
| Wednesday: | 7am - 2am | 3 pm - 2 am | - |
| Thursday: | 7am - 2am | 3 pm - 2 am | 2 pm - 9pm |
| Friday: | 7 am - 3 am | 12 pm - 3 am | 2 pm - 9 pm |
| Saturday: | 7 am - 3 am | 12 pm - 3 am | 2 pm - 9 pm |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|------------|------------------------|------------------------------|
| Sunday | 7 am - 2 am | 12 pm - 12 am |
| Monday | 7 am - 2 am | 3 pm - 12 am |
| Tuesday: | 7 am - 2 am | 3 pm - 12 am |
| Wednesday: | 7 am - 2 am | 3 pm - 12 am |
| Thursday: | 7 am - 2 am | 3 pm - 12 am |
| Friday: | 7 am - 3 am | 12 pm - 12 am |
| Saturday: | 7 am - 3 am | 12 pm - 12 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-099536

License Class/Type: C Tavern

Applicant: 1327 Connecticut, LLC

Trade Name: The Manor

ANC: 2B07

Has applied for the renewal of an alcoholic beverage license at the premises:

1327 Connecticut AVE NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8 am - 2 am | 10 am - 2 am | 10 am - 2 am |
| Monday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Tuesday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Wednesday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Thursday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Friday: | 8 am - 3 am | 8 am - 3 am | 6 pm - 3 am |
| Saturday: | 8 am - 3 am | 8 am - 3 am | 6 pm - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-094099

License Class/Type: C Tavern

Applicant: Zhou Hospitality Group, LLC

Trade Name: Umayya

ANC: 2C01

Has applied for the renewal of an alcoholic beverage license at the premises:

733 10TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Dancing Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8 am - 4 am | 10 am - 12 am | 6 pm - 4 am |
| Monday: | 8 am - 4 am | 10 am - 2 am | 6 pm - 4 am |
| Tuesday: | 8 am - 4 am | 10 am - 2 am | 6 pm - 4 am |
| Wednesday: | 8 am - 4 am | 10 am - 2 am | 6 pm - 4 am |
| Thursday: | 8 am - 4 am | 10 am - 2 am | 6 pm - 4 am |
| Friday: | 8 am - 5 am | 10 am - 3 am | 6 pm - 4 am |
| Saturday: | 8 am - 5 am | 10 am - 3 am | 6 pm - 4 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-073166

License Class/Type: C Tavern

Applicant: The Pug, LLC

Trade Name: The Pug/Toki Underground

ANC: 6A01

Has applied for the renewal of an alcoholic beverage license at the premises:

1234 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10:30 am - 5 am | 10:30 am - 2 am | - |
| Monday: | 10:30 am - 5 am | 10:30 am - 2 am | - |
| Tuesday: | 10:30 am - 5 am | 10:30 am - 2 am | - |
| Wednesday: | 10:30 am - 5 am | 10:30 am - 2 am | - |
| Thursday: | 10:30 am - 5 am | 10:30 am - 2 am | - |
| Friday: | 10:30 am - 5 am | 10:30 am - 3 am | - |
| Saturday: | 10:30 am - 5 am | 10:30 am - 3 am | - |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-095913

License Class/Type: C Tavern

Applicant: Neighborhood Restaurant Group XIX, LLC

Trade Name: The Sovereign

ANC: 2E05

Has applied for the renewal of an alcoholic beverage license at the premises:

1206 WISCONSIN AVE NW, Washington, DC 20007

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Monday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Tuesday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Wednesday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Thursday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Friday: | 10 am - 3 am | 10 am - 3 am | 6 pm - 3 am |
| Saturday: | 10 am - 3 am | 10 am - 3 am | 6 pm - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-091646

License Class/Type: C Tavern

Applicant: Upshur Tavern, LLC

Trade Name: Petworth Citizen

ANC: 4C07

Has applied for the renewal of an alcoholic beverage license at the premises:

829 UPSHUR ST NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Monday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Tuesday: | 8 am - 2 am | 8 am - 2 am | 7 pm - 2 am |
| Wednesday: | 8 am - 2 am | 8 am - 2 am | 7 pm - 2 am |
| Thursday: | 8 am - 2 am | 8 am - 2 am | 7 pm - 2 am |
| Friday: | 8 am - 3 am | 8 am - 3 am | 7 pm - 3 am |
| Saturday: | 8 am - 3 am | 8 am - 3 am | 7 pm - 3 am |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|------------|------------------------|------------------------------|
| Sunday | 8 am - 2 am | 10 am - 2 am |
| Monday: | 2 am - 2 am | 8 am - 2 am |
| Tuesday: | 8 am - 2 am | 8 am - 2 am |
| Wednesday: | 8 am - 2 am | 8 am - 2 am |
| Thursday: | 8 am - 2 am | 8 am - 2 am |
| Friday: | 8 am - 3 am | 8 am - 3 am |
| Saturday: | 8 am - 3 am | 8 am - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-112100

License Class/Type: C Tavern

Applicant: Tokyo Bar Dupont, LLC

Trade Name: Tokyo Pearl

ANC: 2B07

Has applied for the renewal of an alcoholic beverage license at the premises:

1301 CONNECTICUT AVE NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment Sidewalk Cafe

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 12 am - 11:59 pm | 10 am - 2 am | 6 pm - 2 am |
| Monday: | 12 am - 11:59 pm | 8 am - 2 am | 6 pm - 2 am |
| Tuesday: | 12 am - 11:59 pm | 8 am - 2 am | 6 pm - 2 am |
| Wednesday: | 12 am - 11:59 pm | 8 am - 2 am | 6 pm - 2 am |
| Thursday: | 12 am - 11:59 pm | 8 am - 2 am | 6 pm - 2 am |
| Friday: | 12 am - 11:59 pm | 8 am - 3 am | 6 pm - 3 am |
| Saturday: | 12 am - 11:59 pm | 8 am - 3 am | 6 pm - 3 am |

| | Hours Of Sidewalk Cafe | Hours Of Sales Sidewalk Cafe |
|------------|------------------------|------------------------------|
| Sunday | 11 am - 11 pm | 11 am - 11 pm |
| Monday | 11 am - 11 pm | 11 am - 11 pm |
| Tuesday: | 11 am - 11 pm | 11 am - 11 pm |
| Wednesday: | 11 am - 11 pm | 11 am - 11 pm |
| Thursday: | 11 am - 11 pm | 11 am - 11 pm |
| Friday: | 11 am - 12 am | 11 am - 12 am |
| Saturday: | 11 am - 12 am | 11 am - 12 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-088772

License Class/Type: C Tavern

Applicant: New Asylum, LLC

Trade Name: Smoke & Barrel

ANC: 1C07

Has applied for the renewal of an alcoholic beverage license at the premises:

2471 18TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 9 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Monday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Tuesday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Wednesday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Thursday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Friday: | 9 am - 3 am | 9 am - 3 am | 6 pm - 2 am |
| Saturday: | 9 am - 3 am | 9 am - 3 am | 6 pm - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-092705

License Class/Type: C Tavern

Applicant: Sandovan Inc.

Trade Name: Sandovan Restaurant & Lounge

ANC: 4D06

Has applied for the renewal of an alcoholic beverage license at the premises:

4809 GEORGIA AVE NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8am - 2am | 11am - 2am | 10am - 2am |
| Monday: | 8am - 2am | 11am - 2am | 10am - 2am |
| Tuesday: | 8am - 2am | 11am - 2am | 10am - 2am |
| Wednesday: | 8am - 2am | 11am - 2am | 10am - 2am |
| Thursday: | 8am - 2am | 11am - 2am | 10am - 2am |
| Friday: | 7am - 3am | 11am - 3am | 10am - 3am |
| Saturday: | 7am - 3am | 11am - 3am | 10am - 3am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-070520

License Class/Type: C Tavern

Applicant: Billy Goat DC, Inc.

Trade Name: Billy Goat Tavern & Grill

ANC: 6C02

Has applied for the renewal of an alcoholic beverage license at the premises:

500 NEW JERSEY AVE NW, Washington, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Sidewalk Cafe

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8 am - 2 am | 10 am - 2 am | - |
| Monday: | 8 am - 2 am | 8 am - 2 am | - |
| Tuesday: | 8 am - 2 am | 8 am - 2 am | - |
| Wednesday: | 8 am - 2 am | 8 am - 2 am | - |
| Thursday: | 8 am - 2 am | 8 am - 2 am | - |
| Friday: | 8 am - 3 am | 8 am - 3 am | - |
| Saturday: | 8 am - 3 am | 8 am - 3 am | - |

| | Hours Of Sidewalk Cafe | Hours Of Sales Sidewalk Cafe |
|------------|------------------------|------------------------------|
| Sunday | 8 am - 12 am | 10 am - 12 am |
| Monday: | 8 am - 12 am | 8 am - 12 am |
| Tuesday: | 8 am - 12 am | 8 am - 12 am |
| Wednesday: | 8 am - 12 am | 8 am - 12 am |
| Thursday: | 8 am - 12 am | 8 am - 12 am |
| Friday: | 8 am - 12 am | 8 am - 12 am |
| Saturday: | 8 am - 12 am | 8 am - 12 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-100573

License Class/Type: C Tavern

Applicant: Passenger II,LLC

Trade Name: The Passenger

ANC: 6E02

Has applied for the renewal of an alcoholic beverage license at the premises:

1539 7TH ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 7am - 2am | 8am - 2am | 6pm - 2am |
| Monday: | 7am - 2am | 8am - 2am | 6pm - 2am |
| Tuesday: | 7am - 2am | 8am - 2am | 6pm - 2am |
| Wednesday: | 7am - 2am | 8am - 2am | 6pm - 2am |
| Thursday: | 7am - 2am | 8am - 2am | 6pm - 2am |
| Friday: | 7am - 3am | 8am - 3am | 6pm - 3am |
| Saturday: | 7am - 3am | 8am - 3am | 6pm - 3am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-079568

License Class/Type: C Tavern

Applicant: Room 11 LLC

Trade Name: Room 11

ANC: 1A06

Has applied for the renewal of an alcoholic beverage license at the premises:

3234 11TH ST NW, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Sidewalk Cafe Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 6 am - 1 am | 11 am - 1 am | - |
| Monday: | 6 am - 1 am | 11 am - 1 am | - |
| Tuesday: | 6 am - 1 am | 11 am - 1 am | - |
| Wednesday: | 6 am - 1 am | 11 am - 1 am | - |
| Thursday: | 6 am - 1 am | 11 am - 1 am | - |
| Friday: | 6 am - 2 am | 11 am - 2 am | - |
| Saturday: | 6 am - 2 am | 11 am - 2 am | - |

| | Hours Of Sidewalk Cafe | Hours of Summer Garden |
|------------|------------------------|------------------------|
| Sunday | 9 am - 11 pm | 6 am - 11 pm |
| Monday: | 9 am - 11 pm | 6 am - 11 pm |
| Tuesday: | 9 am - 11 pm | 6 am - 11 pm |
| Wednesday: | 9 am - 11 pm | 6 am - 11 pm |
| Thursday: | 9 am - 11 pm | 6 am - 11 pm |
| Friday: | 9 am - 12 am | 6 am - 12 am |
| Saturday: | 9 am - 12 am | 6 am - 12 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-000785

License Class/Type: C Tavern

Applicant: Clinnie M Dickens

Trade Name: Dan's Cafe

ANC: 1C07

Has applied for the renewal of an alcoholic beverage license at the premises:

2315 18TH ST NW, Washington, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | closed - | closed - closed | - |
| Monday: | closed - | closed - closed | - |
| Tuesday: | 7 pm - 2 am | 7 pm - 2 am | - |
| Wednesday: | 7 pm - 2 am | 7 pm - 2 am | - |
| Thursday: | 7 pm - 2 am | 7 pm - 2 am | - |
| Friday: | 7 pm - 3 am | 7 pm - 3 am | - |
| Saturday: | 7 pm - 3 am | 7 pm - 3 am | - |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-105645

License Class/Type: C Tavern

Applicant: K & E Real, LLC

Trade Name: Mola

ANC: 1D04

Has applied for the renewal of an alcoholic beverage license at the premises:

3155 MOUNT PLEASANT ST NW, STE 101, WASHINGTON, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 11:00 am - 2:00 am | 11:00 am - 2:00 am | - |
| Monday: | 11:00 am - 2:00 am | 11:00 am - 2:00 am | - |
| Tuesday: | 11:00 am - 2:00 am | 11:00 am - 2:00 am | - |
| Wednesday: | 11:00 am - 2:00 am | 11:00 am - 2:00 am | - |
| Thursday: | 11:00 am - 2:00 am | 11:00 am - 2:00 am | - |
| Friday: | 11:00 am - 2:00 am | 11:00 am - 2:00 am | - |
| Saturday: | 11:00 am - 2:00 am | 11:00 am - 2:00 am | - |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-091682

License Class/Type: C Tavern

Applicant: SST Management LLC

Trade Name: BIN-1301

ANC: 1B12

Has applied for the renewal of an alcoholic beverage license at the premises:

1301 U ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Entertainment Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10 AM - 2 AM | 10 AM - 2 AM | 6 PM - 11PM |
| Monday: | 10 AM - 2 AM | 10 AM - 2 AM | 6 PM - 11 PM |
| Tuesday: | 10 AM - 2 AM | 10 AM - 2 AM | 6 PM - 11 PM |
| Wednesday: | 10 AM - 2 AM | 10 AM - 2 AM | 6 PM - 11 PM |
| Thursday: | 10 AM - 2 AM | 10 AM - 2 AM | 6 PM - 11 PM |
| Friday: | 10 AM - 3 AM | 10 AM - 3 AM | 6 PM - 11 PM |
| Saturday: | 10 AM - 3 AM | 10 AM - 3 AM | 6 PM - 11 PM |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|------------|------------------------|------------------------------|
| Sunday | 10 AM - 11 PM | 10 AM - 11 PM |
| Monday: | 10 AM - 11 PM | 10 AM - 11 PM |
| Tuesday: | 10 AM - 11 PM | 10 AM - 11 PM |
| Wednesday: | 10 AM - 11 PM | 10 AM - 11 PM |
| Thursday: | 10 AM - 11 PM | 10 AM - 11 PM |
| Friday: | 10 AM - 12 AM | 10 AM - 12 AM |
| Saturday: | 10 AM - 12 AM | 10 AM - 12 AM |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-083133

License Class/Type: C Nightclub

Applicant: 1716 I, LLC

Trade Name: Eye Bar/Garden of Eden

ANC: 2B06

Has applied for the renewal of an alcoholic beverage license at the premises:

1716 I ST NW, WASHINGTON, DC 20006

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 11 am - 3:30 am | 11 am - 2 am | 11 am - 3:30 am |
| Monday: | 11 am - 3:30 am | 11 am - 2 am | 11 am - 3:30 am |
| Tuesday: | 11 am - 3:30 am | 11 am - 2 am | 11 am - 3:30 am |
| Wednesday: | 11 am - 3:30 am | 11 am - 2 am | 11 am - 3:30 am |
| Thursday: | 11 am - 3:30 am | 11 am - 2 am | 11 am - 3:30 am |
| Friday: | 11 am - 4:30 am | 11 am - 3 am | 11 am - 4:30 am |
| Saturday: | 11 am - 4:30 am | 11 am - 3 am | 11 am - 4:30 am |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|------------|------------------------|------------------------------|
| Sunday | 11 am - 3:30 am | 11 am - 2 am |
| Monday: | 11 am - 3:30 am | 11 am - 2 am |
| Tuesday: | 11 am - 3:30 am | 11 am - 2 am |
| Wednesday: | 11 am - 3:30 am | 11 am - 2 am |
| Thursday: | 11 am - 3:30 am | 11 am - 2 am |
| Friday: | 11 am - 4:30 am | 11 am - 3 am |
| Saturday: | 11 am - 4:30 am | 11 am - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-099684

License Class/Type: C Tavern

Applicant: TDJ LLC

Trade Name: Left Door

ANC: 1B12

Has applied for the renewal of an alcoholic beverage license at the premises:

1345 S ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 11 am - 2 am | 11 am - 2 am | - |
| Monday: | 11 am - 2 am | 11 am - 2 am | - |
| Tuesday: | 11 am - 2 am | 11 am - 2 am | - |
| Wednesday: | 11 am - 2 am | 11 am - 2 am | - |
| Thursday: | 11 am - 2 am | 11 am - 2 am | - |
| Friday: | 11 am - 3 am | 11 am - 3 am | - |
| Saturday: | 11 am - 3 am | 11 am - 3 am | - |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-103505

License Class/Type: C Nightclub

Applicant: Decades LLC

Trade Name: Decades

ANC: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:

1219 CONNECTICUT AVE NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8 am - 4 am | 8 am - 2 am | - |
| Monday: | 8 am - 4 am | 8 am - 2 am | - |
| Tuesday: | 8 am - 4 am | 8 am - 2 am | - |
| Wednesday: | 8 am - 4 am | 8 am - 2 am | - |
| Thursday: | 8 am - 4 am | 8 am - 2 am | - |
| Friday: | 8 am - 4 am | 8 am - 3 am | - |
| Saturday: | 8 am - 4 am | 8 am - 3 am | - |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|-----------|------------------------|------------------------------|
| Sunday | 8 am - 4 am | 8 am - 2 am |
| Monday: | 8 am - 4 am | 8 am - 2 am |
| Tuesday: | 8 am - 4 am | 8 am - 2 am |
| Wednesday | 8 am - 4 am | 8 am - 2 am |
| Thursday: | 8 am - 4 am | 8 am - 2 am |
| Friday: | 8 am - 4 am | 8 am - 3 am |
| Saturday: | 8 am - 4 am | 8 am - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-099695

License Class/Type: C Nightclub

Applicant: 727 Concepts, LLC

Trade Name: L8

ANC: 2C01

Has applied for the renewal of an alcoholic beverage license at the premises:

727 15TH ST NW, WASHINGTON, DC 20005

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8 am - 4 am | 8 am - 2 am | - |
| Monday: | 8 am - 4 am | 8 am - 2 am | - |
| Tuesday: | 8 am - 4 am | 8 am - 2 am | - |
| Wednesday: | 8 am - 4 am | 8 am - 2 am | - |
| Thursday: | 8 am - 4 am | 8 am - 2 am | - |
| Friday: | 8 am - 4 am | 8 am - 3 am | - |
| Saturday: | 8 am - 4 am | 8 am - 3 am | - |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-009267

License Class/Type: C Tavern

Applicant: TCR Inc

Trade Name: Jr's Bar and Grill

ANC: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:

1519 17TH ST NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 12: 30 pm - 2 am | 12: 30 pm - 2 am | 6 pm - 2 am |
| Monday: | 2 pm - 2 am | 2 pm - 2 am | 6 pm - 2 am |
| Tuesday: | 2 pm - 2 am | 2 pm - 2 am | 6 pm - 2 am |
| Wednesday: | 2 pm - 2 am | 2 pm - 2 am | 6 pm - 2 am |
| Thursday: | 2 pm - 2 am | 2 pm - 2 am | 6 pm - 2 am |
| Friday: | 2 pm - 3 am | 2 pm - 3 am | 6 pm - 3 am |
| Saturday: | 1 pm - 3 am | 1 pm - 3 am | 6 pm - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-108602

License Class/Type: C Tavern

Applicant: Truth DC 78, LLC

Trade Name: Truth DC 78

ANC: 6A01

Has applied for the renewal of an alcoholic beverage license at the premises:

1220 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10 am - 2 am | 10 am - 2 am | 10 am - 2 am |
| Monday: | 10 am - 2 am | 10 am - 2 am | 10 am - 2 am |
| Tuesday: | 10 am - 2 am | 10 am - 2 am | 10 am - 2 am |
| Wednesday: | 10 am - 2 am | 10 am - 2 am | 10 am - 2 am |
| Thursday: | 10 am - 2 am | 10 am - 2 am | 10 am - 2 am |
| Friday: | 10 am - 3 am | 10 am - 3 am | 10 am - 3 am |
| Saturday: | 10 am - 3 am | 10 am - 3 am | 10 am - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-113810

License Class/Type: C Tavern

Applicant: Felix Restaurant Group, LLC

Trade Name: The Pursuit

ANC: 6A01

Has applied for the renewal of an alcoholic beverage license at the premises:

1025 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Sidewalk Cafe

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 11 am - 2 am | 11 am - 2 am | - |
| Monday: | 11 am - 2 am | 11 am - 2 am | - |
| Tuesday: | 11 am - 2 am | 11 am - 2 am | - |
| Wednesday: | 11 am - 2 am | 11 am - 2 am | - |
| Thursday: | 11 am - 2 am | 11 am - 2 am | - |
| Friday: | 11 am - 2 am | 11 am - 2 am | - |
| Saturday: | 11 am - 2 am | 11 am - 2 am | - |

| | Hours Of Sidewalk Cafe | Hours Of Sales Sidewalk Cafe |
|------------|------------------------|------------------------------|
| Sunday | 11 am - 10 pm | 11 am - 10 pm |
| Monday: | 11 am - 10 pm | 11 am - 10 pm |
| Tuesday: | 11 am - 10 pm | 11 am - 10 pm |
| Wednesday: | 11 am - 10 pm | 11 am - 10 pm |
| Thursday: | 11 am - 10 pm | 11 am - 10 pm |
| Friday: | 11 am - 11 pm | 11 am - 11 pm |
| Saturday: | 11 am - 11 pm | 11 am - 11 pm |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-074767

License Class/Type: C Nightclub

Applicant: Toppromo, Inc.

Trade Name: Ultrabar/Chroma

ANC: 2C01

Has applied for the renewal of an alcoholic beverage license at the premises:

911 F ST NW, Washington, DC 20004

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 9 am - 2 am | 9 am - 2 am | - |
| Monday: | 9 am - 2 am | 9 am - 2 am | - |
| Tuesday: | 9 am - 2 am | 9 am - 2 am | - |
| Wednesday: | 9 am - 2 am | 9 am - 2 am | - |
| Thursday: | 9 am - 2 am | 9 am - 2 am | - |
| Friday: | 9 am - 3 am | 9 am - 3 am | - |
| Saturday: | 9 am - 3 am | 9 am - 3 am | - |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-072777

License Class/Type: C Tavern

Applicant: Rock and Roll Hotel, LLC

Trade Name: Rock N Roll Hotel

ANC: 6A06

Has applied for the renewal of an alcoholic beverage license at the premises:

1353 H ST NE, Washington, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Entertainment Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 5 pm - 2 am | 5 pm - 2 am | 8 pm - 1 am |
| Monday: | 5 pm - 2 am | 5 pm - 2 am | 8 pm - 1 am |
| Tuesday: | 5 pm - 2 am | 5 pm - 2 am | 8 pm - 1 am |
| Wednesday: | 5 pm - 2 am | 5 pm - 2 am | 8 pm - 1 am |
| Thursday: | 5 pm - 2 am | 5 pm - 2 am | 8 pm - 1 am |
| Friday: | 5 pm - 3 am | 5 pm - 3 am | 8 pm - 1 am |
| Saturday: | 5 pm - 3 am | 5 pm - 3 am | 8 pm - 1 am |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|------------|------------------------|------------------------------|
| Sunday | 5 pm - 11 pm | 5 pm - 11 pm |
| Monday: | 5 pm - 11 pm | 5 pm - 11 pm |
| Tuesday: | 5 pm - 11 pm | 5 pm - 11 pm |
| Wednesday: | 5 pm - 11 pm | 5 pm - 11 pm |
| Thursday: | 5 pm - 11 pm | 5 pm - 11 pm |
| Friday: | 5 pm - 2 am | 5 pm - 2 am |
| Saturday: | 5 pm - 2 am | 5 pm - 2 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-099263

License Class/Type: C Tavern

Applicant: BAR 14 LLC

Trade Name: Sakerum

ANC: 1B04

Has applied for the renewal of an alcoholic beverage license at the premises:

2204 14TH ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 8 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Monday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Tuesday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Wednesday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Thursday: | 8 am - 2 am | 8 am - 2 am | 6 pm - 2 am |
| Friday: | 8 am - 3 am | 8 am - 3 am | 6 pm - 3 am |
| Saturday: | 8 am - 3 am | 8 am - 3 am | 6 pm - 3 am |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|------------|------------------------|------------------------------|
| Sunday | 8 am - 2 am | 10 am - 2 am |
| Monday: | 8 am - 2 am | 8 am - 2 am |
| Tuesday: | 8 am - 2 am | 8 am - 2 am |
| Wednesday: | 8 am - 2 am | 8 am - 2 am |
| Thursday: | 8 am - 2 am | 8 am - 2 am |
| Friday: | 8 am - 3 am | 8 am - 3 am |
| Saturday: | 8 am - 3 am | 8 am - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-084731

License Class/Type: C Tavern

Applicant: Desperados Pizza, LLC

Trade Name: Desperados Pizza

ANC: 1B12

Has applied for the renewal of an alcoholic beverage license at the premises:

1342 U ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Entertainment Sidewalk Cafe

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Monday: | 12 pm - 2 am | 12 pm - 2 am | 6 pm - 2 am |
| Tuesday: | 12 pm - 2 am | 12 pm - 2 am | 6 pm - 2 am |
| Wednesday: | 12 pm - 2 am | 12 pm - 2 am | 6 pm - 2 am |
| Thursday: | 12 pm - 2 am | 12 pm - 2 am | 6 pm - 2 am |
| Friday: | 12 pm - 3 am | 12 pm - 3 am | 6 pm - 3 am |
| Saturday: | 10 am - 3 am | 10 am - 3 am | 6 pm - 3 am |

| | Hours Of Sidewalk Cafe | Hours Of Sales Sidewalk Cafe |
|------------|------------------------|------------------------------|
| Sunday | 12 nm - 1 am | 12 pm - 1 am |
| Monday | 12 pm - 1 am | 12 pm - 1 am |
| Tuesday: | 12 pm - 1 am | 12 pm - 1 am |
| Wednesday: | 12 pm - 1 am | 12 pm - 1 am |
| Thursday: | 12 pm - 1 am | 12 pm - 1 am |
| Friday: | 12 pm - 1 am | 12 pm - 1 am |
| Saturday: | 12 pm - 1 am | 12 pm - 1 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-060380

License Class/Type: C Tavern

Applicant: Twins Inc.

Trade Name: Twin Jazz

ANC: 1B12

Has applied for the renewal of an alcoholic beverage license at the premises:

1344 U ST NW, WASHINGTON, DC 20009

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 11 am - 2 am | 11 am - 2 am | 8 pm - 1 am |
| Monday: | 11 am - 2 am | 11 am - 2 am | 8 pm - 1 am |
| Tuesday: | 11 am - 2 am | 11 am - 2 am | 8 pm - 1 am |
| Wednesday: | 11 am - 2 am | 11 am - 2 am | 8 pm - 1 am |
| Thursday: | 11 am - 2 am | 11 am - 2 am | 8 pm - 1 am |
| Friday: | 11 am - 3 am | 11 am - 3 am | 9 pm - 2 am |
| Saturday: | 11 am - 3 am | 11 am - 3 am | 9 pm - 2 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-107182

License Class/Type: C Nightclub

Applicant: Rewind By Decades, LLC

Trade Name: Rewind

ANC: 2B05

Has applied for the renewal of an alcoholic beverage license at the premises:

1219 CONNECTICUT AVE NW, WASHINGTON, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 12 am - 11:59 pm | 8 am - 2 am | - |
| Monday: | 12 am - 11:59 pm | 8 am - 2 am | - |
| Tuesday: | 12 am - 11:59 pm | 8 am - 2 am | - |
| Wednesday: | 12 am - 11:59 pm | 8 am - 2 am | - |
| Thursday: | 12 am - 11:59 pm | 8 am - 2 am | - |
| Friday: | 12 am - 11:59 pm | 8 am - 3 am | - |
| Saturday: | 12 am - 11:59 pm | 8 am - 3 am | - |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-106554

License Class/Type: C Tavern

Applicant: Potomac Distilling Limited Liability Company

Trade Name: Potomac Distilling Company

ANC: 6D04

Has applied for the renewal of an alcoholic beverage license at the premises:

1130 Maine AVE SW, WASHINGTON, DC 20024

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Summer Garden

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10 am - 12 am | 10 am - 12 am | - |
| Monday: | 11:30 am - 1:30 am | 11:30 am - 1:30 am | - |
| Tuesday: | 11:30 am - 1:30 am | 11:30 am - 1:30 am | - |
| Wednesday: | 11:30 am - 1:30 am | 11:30 am - 1:30 am | - |
| Thursday: | 11:30 am - 1:30 am | 11:30 am - 1:30 am | - |
| Friday: | 11:30 am - 1:30 am | 11:30 am - 1:30 am | - |
| Saturday: | 10 am - 1:30 am | 10 am - 1:30 am | - |

| | Hours of Summer Garden | Hours of Sales Summer Garden |
|------------|------------------------|------------------------------|
| Sunday | 10 am - 12 am | 10 am - 12 am |
| Monday: | 11:30 am - 12 am | 11:30 am - 12 am |
| Tuesday: | 11:30 am - 12 am | 11:30 am - 12 am |
| Wednesday: | 11:30 am - 12 am | 11:30 am - 12 am |
| Thursday: | 11:30 am - 12 am | 11:30 am - 12 am |
| Friday: | 11:30 am - 12 am | 11:30 am - 12 am |
| Saturday: | 10 am - 12 am | 10 am - 12 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-098584

License Class/Type: C Tavern

Applicant: Ima Pizza Store 12 LLC

Trade Name: Broccoli Bar

ANC: 1B01

Has applied for the renewal of an alcoholic beverage license at the premises:

1817 7th ST NW, WASHINGTON, DC 20001

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 7 am - 2 am | 8 am - 2 am | 11 am - 12 am |
| Monday: | 7 am - 2 am | 8 am - 2 am | 11 am - 12 am |
| Tuesday: | 7 am - 2 am | 8 am - 2 am | 11 am - 12 am |
| Wednesday: | 7 am - 2 am | 8 am - 2 am | 11 am - 12 am |
| Thursday: | 7 am - 2 am | 8 am - 2 am | 11 am - 12 am |
| Friday: | 7 am - 3 am | 8 am - 3 am | 11 am - 3 am |
| Saturday: | 7 am - 3 am | 8 am - 3 am | 11 am - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020

License No.: ABRA-087422
Licensee: Dangerously Delicious DC, LLC
Trade Name: Dangerously Delicious DC
License Class: Retailer's Class "C" Restaurant
Address: 1339 H Street, N.E.
Contact: Cheryl Webb: (202) 277-7461

WARD 6

ANC 6A

SMD 6A06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Class Change from a Retailer Class "C" Restaurant to a Retailer Class "C" Tavern.

HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 8am - 3am, Friday and Saturday 8am - 4am.

HOURS OF ALCOHOLIC BEVERAGE SALES INSIDE PREMISES

Sunday 10am - 2am, Monday and Tuesday 8am - 2am, Wednesday 8am - 3am, Thursday 8am - 2am, Friday and Saturday 8am - 3am.

HOURS OF SUMMER GARDEN OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Thursday 8am - 12am, Friday and Saturday 8am - 2am.

HOURS OF LIVE ENTERTAINMENT INDOORS ONLY

Sunday through Thursday 6pm - 2am, Friday and Saturday 6pm - 3am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020
Protest Hearing Date: February 26, 2020

License No.: ABRA-115491
Licensee: Dumplings & Beyond Corporation
Trade Name: Dumplings & Beyond
License Class: Retailer's Class "C" Restaurant
Address: 2400 Wisconsin Avenue, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 3

ANC 3B

SMD 3B02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 26, 2020 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Restaurant with a seating capacity of 64 and Total Occupancy Load of 69.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Monday through Thursday 11am - 11pm, Friday and Saturday 11am - 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****READVERTISEMENT**

Placard Posting Date: **November 8, 2019
Protest Petition Deadline: **December 23, 2019
Roll Call Hearing Date: **January 6, 2020

License No.: ABRA-095574
Licensee: Q on Conn., LLC
Trade Name: Fat Pete’s BBQ
License Class: Retailer’s Class “C” Restaurant
Address: 3407 Connecticut Avenue, N.W.
Contact: Jeff Holibaugh: (301) 518-2083

WARD 3

ANC 3C

SMD 3C04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF OPERATION

Licensee is applying to add Sports Wagering to their operations. Establishment will have a mobile app to assist with the betting, and no betting kiosks on the premises.

CURRENT HOURS OF OPERATION

Sunday through Thursday 6am – 2am, Friday and Saturday 6am – 3am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 10am – 1am, Friday and Saturday 10am – 2am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm – 1am, Friday and Saturday 6pm – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Placard Posting Date: **October 25, 2019
Protest Petition Deadline: **December 9, 2019
Roll Call Hearing Date: **December 23, 2019

License No.: ABRA-095574
Licensee: Q on Conn., LLC
Trade Name: Fat Pete’s BBQ
License Class: Retailer’s Class “C” Restaurant
Address: 3407 Connecticut Avenue, N.W.
Contact: Jeff Holibaugh: (301) 518-2083

WARD 3

ANC 3C

SMD 3C04

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on **December 23, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF OPERATION

Licensee is applying to add Sports Wagering to their operations. Establishment will have a mobile app to assist with the betting, and no betting kiosks on the premises.

CURRENT HOURS OF OPERATION

Sunday through Thursday 6am – 2am, Friday and Saturday 6am – 3am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 10am – 1am, Friday and Saturday 10am – 2am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6pm – 1am, Friday and Saturday 6pm – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
 Protest Petition Deadline: December 23, 2019
 Roll Call Hearing Date: January 6, 2020
 Protest Hearing Date: February 26, 2020

License No.: ABRA-115394
 Licensee: Highland Community Entertainment Hall LLC
 Trade Name: Highland Community Entertainment Hall
 License Class: Retailer’s Class “C” Tavern
 Address: 2533 Pennsylvania Avenue, S.E.
 Contact: Andrea Lang: (202) 774-6511

WARD 7

ANC 7B

SMD 7B03

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The **Protest Hearing date** is scheduled on **February 26, 2020 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer’s Class C Tavern with a seating capacity of 200 and Total Occupancy Load of 669. Licensee is requesting an Entertainment Endorsement.

HOURS OF OPERATION

Sunday 10am – 2am, Monday through Thursday 9am – 2am, Friday 9am – 3am,
 Saturday 10am – 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday 4pm – 2am, Monday through Thursday 4pm – 2am, Friday and Saturday 4pm – 3am

HOURS OF LIVE ENTERTAINMENT

Sunday 10am – 2am, Monday through Wednesday 5pm – 12am, Thursday 5pm – 1am,
 Friday and Saturday 6pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020
Protest Hearing Date: February 26, 2020

License No.: ABRA-114984
Licensee: King Street Oyster Bar DC, LLC
Trade Name: King Street Oyster Bar
License Class: Retailer's Class "D" Restaurant
Address: 22 M Street, N.E.
Contact: Christopher Arakaky: (703) 468-4493

WARD 6

ANC 6C

SMD 6C06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 26, 2020 at 1:30 p.m.

NATURE OF OPERATION

King Street Oyster Bar specializes in bringing fresh oysters from both the West and East Coast of the U.S and Canada, including shrimp, crab and lobster. 139 interior seats, 20 exterior seats on a Summer Garden, and a Total Occupancy Load of 179.

PROPOSED HOURS OF OPERATION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday through Saturday 10:30am – 2am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES AND FOR SUMMER GARDEN

Sunday through Saturday 11am – 2am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-113518

License Class/Type: C Tavern

Applicant: Moser Group, LLC

Trade Name: Makan

ANC: 1A06

Has applied for the renewal of an alcoholic beverage license at the premises:

3400 11th ST NW, Washington, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Monday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Tuesday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Wednesday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Thursday: | 10 am - 2 am | 10 am - 2 am | 6 pm - 2 am |
| Friday: | 10 am - 3 am | 10 am - 3 am | 6 pm - 3 am |
| Saturday: | 10 am - 3 am | 10 am - 3 am | 6 pm - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020
Protest Hearing Date: February 26, 2020

License No.: ABRA-115533
Licensee: Mr. Chen's Inc.
Trade Name: Mr. Chen's
License Class: Retailer's Class "C" Restaurant
Address: 3419 Connecticut Avenue, N.W.
Contact: Rita Hardy: (202) 327-3497

WARD 3

ANC 3C

SMD 3C04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 6, 2019 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 26, 2020 at 1:30 p.m.

NATURE OF OPERATION

A new class C Restaurant serving organic Chinese cuisine. Seating Capacity of 70 and a Total Occupancy Load of 80.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE OF THE PREMISES

Sunday 12pm - 10pm, Monday through Thursday 11am - 10:30pm, Friday and Saturday 11am - 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-092423

License Class/Type: C Tavern

Applicant: Simple Bar and Grill, LLC

Trade Name: Simple Bar and Grill

ANC: 4C01

Has applied for the renewal of an alcoholic beverage license at the premises:

5828 GEORGIA AVE NW, WASHINGTON, DC 20011

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Dancing Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 9 am - 12 am | 9 am - 12 am | 9 am - 12 am |
| Monday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Tuesday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Wednesday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Thursday: | 9 am - 2 am | 9 am - 2 am | 6 pm - 2 am |
| Friday: | 9 am - 3 am | 9 am - 3 am | 6 pm - 3 am |
| Saturday: | 9 am - 3 am | 9 am - 3 am | 6 pm - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020

License No.: ABRA-112163
Licensee: 2029 P St, LLC
Trade Name: Sorellina
License Class: Retailer’s Class “C” Restaurant
Address: 2029 P Street NW
Contact: Stephen J. O’Brien, Esq.: (202) 625-7700

WARD 2 ANC 2B SMD 2B02

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to increase interior and Summer Garden seating. Interior seat count will increase from 27 to 48. Summer Garden seating will increase from 6 to 14. Total Occupancy Load will increase from 35 to 70.

HOURS OF OPERATION (INSIDE PREMISES)

Sunday through Thursday 7am – 12am
Friday and Saturday 7am – 2am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES)

Sunday through Thursday 8am – 12am
Friday and Saturday 8am – 2am

HOURS OF OPERATION (SUMMER GARDEN)

Sunday through Thursday 7am – 11pm
Friday and Saturday 7am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (SUMMER GARDEN)

Sunday through Thursday 8am – 11pm
Friday and Saturday 8am – 12am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020

License No.: ABRA-114545
Licensee: S (WDC), LLC
Trade Name: Swingers
License Class: Retailer's Class "C" Restaurant
Address: 1330 19th Street, N.W.
Contact: Sidon Yohannes, Esq.: (202) 686-7600

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

The licensee has requested an Entertainment Endorsement to offer Live Entertainment both indoors and in the Summer Gardens.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (INSIDE PREMISES, SUMMER GARDENS, AND SIDEWALK CAFE)

Sunday through Thursday 8am – 2am

Friday and Saturday 8am – 3am

PROPOSED HOURS OF LIVE ENTERTAINMENT (INSIDE PREMISES)

Sunday through Thursday 8am – 2am

Friday and Saturday 8am – 3am

PROPOSED HOURS OF LIVE ENTERTAINMENT (SUMMER GARDENS)

Sunday through Thursday 6pm – 2am

Friday and Saturday 6pm – 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
11/8/2019

Notice is hereby given that:

License Number: ABRA-113535

License Class/Type: C Tavern

Applicant: Moser Group, LLC

Trade Name: Thirsty Crow

ANC: 1A06

Has applied for the renewal of an alcoholic beverage license at the premises:

3400 11th ST NW, Washington, DC 20010

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
12/23/2019

A HEARING WILL BE
1/6/2020

AT 10:00 a.m., 2000 14th STREET, NW, 4th FLOOR, WASHINGTON, DC

ENDORSEMENT(S): Cover Charge Entertainment

| Days | Hours of Operation | Hours of Sales/Service | Hours of Entertainment |
|------------|--------------------|------------------------|------------------------|
| Sunday: | 10 am - 2 am | 10 am - 2 am | 9 am - 2 am |
| Monday: | 9 am - 2 am | 9 am - 2 am | 9 am - 2 am |
| Tuesday: | 9 am - 2 am | 9 am - 2 am | 9 am - 2 am |
| Wednesday: | 9 am - 2 am | 9 am - 2 am | 9 am - 2 am |
| Thursday: | 9 am - 2 am | 9 am - 2 am | 9 am - 2 am |
| Friday: | 9 am - 3 am | 9 am - 3 am | 9 am - 3 am |
| Saturday: | 9 am - 3 am | 9 am - 3 am | 9 am - 3 am |

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020

License No.: ABRA-085918
Licensee: Eun & Peter, Inc
Trade Name: Uncle Lee's Seafood
License Class: Retailer's Class "A" Liquor Store
Address: 1020 Eastern Avenue, N.E.
Contact: Adanech Gebremeskel, Agent: (240) 491-1145

WARD 7

ANC 7C

SMD 7C04

Notice is hereby given that this licensee has requested to transfer their license to a new location under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline.

NATURE OF OPERATION

Licensee requests to transfer license from 1102 Eastern Avenue, N.E. to a new location at 1020 Eastern Avenue, N.E. Licensee is a Class A Liquor Store selling beer, wine, and spirits, with a Tasting Endorsement.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7 am to 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: November 8, 2019
Protest Petition Deadline: December 23, 2019
Roll Call Hearing Date: January 6, 2020
Protest Hearing Date: February 26, 2020

License No.: ABRA-115540
Licensee: 1701 Rhode Island Avenue Northwest Tenant, LLC
Trade Name: WeWork
License Class: Retailer's Class "C" Tavern
Address: 1701 Rhode Island Avenue, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2

ANC 2B

SMD 2B05

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing date on January 6, 2020 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the ABC Board must be filed on or before the Petition Deadline. The Protest Hearing date is scheduled on February 26, 2020 at 4:30 p.m.

NATURE OF OPERATION

A new Retailer's Class C Tavern with a seating capacity of 1345 and a Total Occupancy Load of 1350. Two Summer Gardens with 145 seats: One on the 8th floor with a capacity of 90, and one on the 7th floor with a capacity of 55. Entertainment Endorsement to provide live entertainment indoors and outdoors.

HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDENS

Monday through Saturday 9am - 12am, Sunday closed

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDENS

Monday through Saturday 11am - 12am, Sunday closed

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Monday through Saturday 11am - 12am, Sunday closed

HOURS OF LIVE ENTERTAINMENT FOR OUTSIDE IN SUMMER GARDENS

Monday through Thursday 11am - 9pm, Friday and Saturday 11am - 10pm, Sunday closed

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF PUBLIC HEARING AND
SOLICITATION OF PUBLIC COMMENT****Fiscal Year 2020 Weatherization Assistance Program Draft State Plan Revision 1
Public Hearing Notice**

The Department of Energy and Environment (the Department) invites the public to present its comments at a public hearing on the fiscal year 2020 (FY20) Weatherization Assistance Program (WAP) Draft State Plan Revision 1.

Public Hearing: Friday, December 13, 2019

HEARING DATE: Friday, December 13, 2019
TIME: 6:00 pm
PLACE: Department of Energy and Environment
1200 First Street, NE, Washington, DC 20002
5th Floor
NOMA Gallaudet (Red Line) Metro Stop

Beginning 11/8/19, the full text of the **FY20 WAP Draft State Plan Revision 1** will be available online at the Department's website. A person may obtain a copy of the FY20 WAP Draft State Plan by any of the following means:

Download from the Department's website, <http://doee.dc.gov/service/weatherization-assistance-program>. Look for "FY20 WAP Draft State Plan Revision 1" near the bottom of the page. Follow the link to the page, where the document can be downloaded in a PDF format;

Email a request to WAPStatePlan@dc.gov with "Request copy of **FY20 WAP Revision 1**" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call the Department's reception at (202) 535-2600 and mention this Notice by name.

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Kenley Farmer RE: **FY20 WAP Draft State Plan Revision 1**" on the outside of the envelope.

The deadline for comments is 12/13/19 at the conclusion of the public hearing. All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements.

Persons may also submit written testimony by email, with a subject line of "FY20 WAP Draft State Plan Revision 1", to WAPStatePlan@dc.gov. Comments clearly marked "FY20 WAP

Draft State Plan Revision 1” may also be hand delivered or mailed to the Department’s offices at the address listed above. All comments should be received no later than the conclusion of the public hearing on Friday, December 13, 2019. The Department will consider all comments received in its final decision.

Filename: DC Register Notice FY20 WAP SP Revision 1 hearing.doc

CHILD AND FAMILY SERVICES AGENCY**NOTICE OF FINAL RULEMAKING**

The Director of the Child and Family Services Agency (CFSA), pursuant to Sections 303(a-1) (10) and (12) of the Child and Family Services Agency Establishment Amendment Act of 2000, effective April 4, 2001 (D.C. Law 13-277, D.C. Official Code § 4-1303.03(a-1) (10) and (12) (2019 Repl.)), hereby gives notice of the adoption of the following amendment to Chapter 62 (Licensing of Youth Shelters, Runaway Shelters, Emergency Care Facilities, and Youth Group Homes) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This action is necessary to protect the health, safety, and welfare of children receiving care in a youth shelter, emergency care facility, or youth group home, by ensuring these children have the adequate supervision and care necessary for their well-being.

A Notice of Emergency and Proposed rulemaking was published in the *D.C. Register* on August 23, 2019 at 66 DCR 11502. CFSA did not receive any comments in response to the notice. No changes have been made to the rulemaking. These rules were adopted as final on September 24, 2019 and will be effective upon publication of this notice in the *D.C. Register*.

Chapter 62, LICENSING OF YOUTH SHELTERS, RUNAWAY SHELTERS, EMERGENCY CARE FACILITIES, AND YOUTH GROUP HOMES, of Title 29 DCMR, is amended as follows:

Section 6219, OPERATING PROCEDURES AND STAFFING, is amended as follows:

Subsection 6219.12 is amended to read as follows:

6219.12 CFSA shall not license a facility that has a capacity of more than fifteen (15) residents. CFSA shall not place residents in a facility with a capacity of more than eight (8) residents without the express written approval of the CFSA Director, as detailed in § 6256.3.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The State Superintendent of Education (“Superintendent”), pursuant to the authority set forth in Sections 3(b)(8), 3(b)(9), 3(b)(10), 3(b)(11), and 3(b)(15) 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)(8), (b)(9), (b)(10), (b)(11) and (b)(15) (2019 Repl.)); Section 102(b) of the Enhanced Special Education Services Amendment Act of 2014, effective March 10, 2015 (D.C. Law 20-195; D.C. Official Code §§ 38-2614(a)(3) & (b) (2019 Repl.)) (“Enhanced Special Education Services Act”); Sections 102(a) and 115 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.15 (2019 Repl.)); Mayor’s Order 2007-149, dated June 28, 2007; Part B and Part C of the Individuals with Disabilities Education Act, approved December 3, 2004 (118 Stat. 2738; 20 USC § 1400 *et seq.*) (“IDEA”) and regulations promulgated thereunder at 34 CFR Parts 300 and 303; and Titles I and III of the Elementary and Secondary Education Act of 1965 (20 USC §§ 6811 *et seq.*), as amended by the Every Student Succeeds Act, approved December 10, 2015 (Pub. L. 114-95, 114 Stat. 1177; 20 USC §§ 6301 *et seq.*); and Equal Educational Opportunities Act, approved August 21, 1974 (88 Stat. 484, 515; 20 USC §1703(f)); hereby gives notice of her intent to: (1) adopt a new Chapter 30 (Special Education) in Subtitle A (Office of the State Superintendent of Education) of Title 5 (Education) of the District of Columbia Municipal Regulations (“DCMR”); (2) make conforming amendments to Chapter 28 (Nonpublic Special Education Schools and Programs Serving Students with Disabilities Funded by the District of Columbia and Special Education Rates) in Title 5-A of the DCMR; and (3) repeal in its entirety Chapter 30 (Special Education) in Title 5-E (Original Title 5) of the DCMR.

Background

In 2007, the Office of the State Superintendent (OSSE) was established as the District’s state education agency, replacing the District of Columbia Board of Education, and authorized to perform all state-level functions under applicable federal law, including grant-making, oversight, and state educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education. Accordingly, this proposed rulemaking repeals, in its entirety, the special education and English language learner regulations in original Subtitle 5-E DCMR.

The current special education regulations in 5-E DCMR Chapter 30 were largely enacted in 2003, which predates the 2004 reauthorization of IDEA, the federal law governing the education of students with disabilities, and its implementing federal regulations, later released in 2006. Over the last decade, the District has made impactful changes in practice through legislation and formal policymaking, including the issuance of over a dozen state-level policies. Yet, even with major shifts in federal and local law, amendments to the local regulations have occurred in sporadic rulemakings that only addressed a few sections at a time.

Accordingly, after years of research and engagement with stakeholders, including focus groups conducted in 2014, on June 26, 2017, OSSE issued an Advanced Notice of Proposed

Rulemaking (ANPR) on OSSE's website to provide stakeholders an opportunity to provide advanced comment on proposed amendments to a new Chapter 30 prior to this rulemaking. The comment period was open for thirty (30) days, closing on July 26, 2017. OSSE greatly appreciates the comments received from a wide range of stakeholders, including parents, the District of Columbia Public Schools (DCPS), multiple charter local education agencies (LEAs), Public Charter School Board (PCSB), Friends of Choice in Urban Schools (FOCUS), the Office of the Ombudsman for Public Education, and other key community advocates. OSSE has reviewed and thoroughly considered all comments received on the ANPR.

On July 13, 2018, OSSE issued a Notice of Final Rulemaking amending 5-E DCMR Chapter 30 to address critical gaps and clarify existing responsibilities related to: child find obligations (or the obligation to identify, locate, and evaluate all children suspected of having a disability), referrals for initial evaluation, local education agency (LEA) responsibility to conduct reasonable efforts to obtain parent consent prior to an initial evaluation, considerations for reviewing data during the initial evaluation of a child under the age of six (6), LEA responsibilities related to extended school year services, and requirements related to the provision and documentation of prior written notice. As discussed in the July 13, 2018 Notice of Final Rulemaking, OSSE believed that addressing the critical gaps immediately allowed for deeper engagement and greater time to provide LEAs and families with necessary training, and align data systems to ensure all stakeholders are appropriately positioned to implement the comprehensive overhaul of the foundational regulations governing the provision of special education and related services to children with disabilities in the District of Columbia in this proposed rulemaking.

Purpose

The overarching purpose of this proposed rulemaking is to update the regulatory framework governing the education of children with disabilities to comply with changes in both federal law and local law, by proposing the following changes to Title 5 of the DCMR:

- Adding a new Chapter 30 (Special Education) in Subtitle A;
- Deleting in its entirety Chapter 30 (Special Education) in Subtitle E; and
- Making conforming amendments in Chapter 28 (Nonpublic Special Education Schools and Programs Serving Students with Disabilities Funded by the District of Columbia and Special Education Rates)

This proposed rulemaking provides a comprehensive update to the regulatory framework governing the education of children with disabilities. Furthermore, this proposed rulemaking is not intended to effectuate a large shift in practice, but rather, incorporate existing state-level policy requirements established in longstanding OSSE guidance and policy documents, while clarifying current regulatory language and removing confusing or outdated references. Accordingly, the proposed Chapter 30 (Special Education) of Title 5-A addresses the following:

- LEA responsibilities to provide a free appropriate public education to students with disabilities;
- The identification and evaluation of children suspected of being a child with a disability;
- Eligibility criteria for disability categories under which children may qualify for special education and related services;

- The development, implementation, amendment, and review of individualized education programs (IEPs) for students with disabilities;
- Placement of students with disabilities in the least restrictive environment, including placement in nonpublic special education schools or programs;
- Qualifications for paraprofessionals providing services to students with disabilities;
- Criteria for awarding a non-diploma IEP Certificate of Completion;
- Discipline procedures for students with disabilities;
- Restraint and seclusion of students with disabilities;
- Procedural safeguards and due process rights, including dispute resolution and complaints processes, as recently set forth in the Special Education Student Rights Act of 2014, effective March 10, 2015 (D.C. Law 20-195; D.C. Official Code § 38-2571.03 (2019 Repl.));
- Parent participation, notice, and procedural rights, as recently set forth in the Special Education Student Rights Act of 2014, effective March 10, 2015 (D.C. Law 20-195; D.C. Official Code § 38-2571.03 (2019 Repl.)); and
- Student participation, notice, and procedural rights.

In addition, the sections in this proposed rulemaking have also been reordered to more closely align to the structure of the sections in the IDEA implementing regulations and the natural progression of the special education process. This proposed Chapter 30 rulemaking also provides updated or new requirements to address anticipated changes in the authorizing statutory framework, provide clarity on LEA responsibilities, and improve the provision of special education and related services to students with disabilities.

This proposed rulemaking also incorporates amendments based on public comments received in response to the June 2017 ANPR. The amendments include, among others: deleting the nondiscrimination in the application process section; amending disability category eligibility criteria for clarity and consistency with the federal classifications of disabilities; adding requirements related to an LEA's response to a parent request for reevaluation; removing the requirement for LEAs to conduct functional behavior assessments for any student with a disability who has behavior that impedes the student's learning or the learning of other students and replacing with language encouraging LEAs to consider the use of positive behavior interventions and supports when the behavior of a child with a disability impedes the students learning or the learning of other students, consistent with federal requirements; clarifying LEA responsibilities related to homebound services, home instruction, and hospital instruction; adding the LEA responsibilities related to the discipline of students with disabilities to determine on a case-by-case basis if a pattern of removal constitutes a change in placement, and to document such decision; clarifying provisions related to state complaints; and updating definitions. OSSE also added a new section Child Count and moved up the section, Exit from Special Education to follow the Secondary Transition section.

Finally, this rulemaking makes conforming amendments to Chapter 28 (Nonpublic Special Education Schools and Programs Serving Students with Disabilities Funded by the District of Columbia and Special Education Rates) to align the provisions of the placement decisions in 5-A DCMR § 2844.12 with the proposed changes to 5-A DCMR § 3026.8, and to update the

definition of physical restraint and prone restraint in 5-A DCMR § 2899 to be consistent with the proposed definition in 5-A DCMR § 3099.

Public Comment

This notice is being circulated throughout the District for a sixty (60) day period, including an opportunity to submit written comments and attend public hearings on this proposed rulemaking.

While stakeholders are invited to provide comments on all provisions of the proposed rulemaking, OSSE is seeking specific comments on the following:

- LEA obligations for transfer students, both students transferring during the school year (§ 3020) and students transferring between school years (§ 3001.11(b));
- Eligibility Criteria for Disability Categories (§ 3011);
- Homebound Services and Hospital Instruction (§ 3023);
- Home Instruction (§ 3024);
- Placement Outside of the LEA (§ 3025);
- Criteria for Receipt of an IEP Certificate of Completion (§ 3027);
- Qualifications for Paraprofessionals (§ 3031);
- Disciplinary removals (manifestation determinations), consistent with IDEA requirements (§ 3044); and
- Seclusion and restraint requirements, which are consistent with current requirements for nonpublic special education schools and programs (§§ 3045-3047).

Three (3) public hearings will take place as detailed and under conditions set forth below:

| Date and Time of Public Hearing | Location of Public Hearing | Topic of Hearing |
|---|--|---|
| <i>Thursday, November 21, 2019, 5:00-7:00pm</i> | Office of the State Superintendent of Education Eleanor Holmes Norton III (Room 110) 1050 1 st Street NE, Washington, D.C. 20002 | Chapter 28 and Chapter 30 (Part B) – open to general public |
| <i>Monday, December 2, 2019, 5:00-7:00pm</i> | Office of the State Superintendent of Education Eleanor Holmes Norton III (Room 110) 1050 1 st Street NE, Washington, D.C. 20002 | Chapter 28 and Chapter 30 (Part B) – open to general public |
| <i>Thursday, December 12, 2019, 6:00-8:00pm</i> | Office of the State Superintendent of Education Eleanor Holmes Norton III (Room 110) | Chapter 28 and Chapter 30 (Part B) – intended for parents and students only |

| | | |
|--|---|--|
| | 1050 1 st Street NE, Washington, D.C. 20002 | |
|--|---|--|

Individuals wishing to testify at any of the public hearings listed above should contact Christie Weaver-Harris, Policy Manager, at 202-741-0470 or by e-mail at Christie.Weaver-Harris@dc.gov.

Individuals representing themselves and presenting testimony will be limited to five (5) minutes; individuals representing an organization will be limited to a total presentation time of seven (7) minutes at each public hearing. Persons may also file comments in writing by email osse.publiccomment@dc.gov or by postal mail or hand delivery to the Office of the State Superintendent of Education, Attn.: Christie Weaver-Harris re: Special Education NPR, 1050 First Street, N.E. 5th Floor Washington, D.C. 20002, not later than sixty (60) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

The Superintendent gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than sixty (60) days from the date of publication of this notice in the *D.C. Register*.

A new Chapter 30, SPECIAL EDUCATION, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is added to read as follows:

CHAPTER 30 SPECIAL EDUCATION

| | |
|--------------|---|
| <u>Secs.</u> | |
| 3000 | GENERAL PROVISIONS |
| 3001 | PROVISION OF FREE APPROPRIATE PUBLIC EDUCATION |
| 3002 | CONTINUUM OF ALTERNATIVE PLACEMENTS |
| 3003 | CHILD FIND |
| 3004 | REQUEST FOR INITIAL EVALUATION |
| 3005 | INITIAL EVALUATION PROCESS |
| 3006 | EVALUATION PROCEDURES |
| 3007 | REEVALUATION |
| 3008 | INDIVIDUALIZED EDUCATION PROGRAM TEAM |
| 3009 | PARENT PARTICIPATION IN IEP TEAM MEETINGS |
| 3010 | ELIGIBILITY DETERMINATION |
| 3011 | DISABILITY CATEGORIES |
| 3012 | RELATED SERVICES |
| 3013 | ASSISTIVE TECHNOLOGY |
| 3014 | PHYSICAL EDUCATION & ADAPTED PHYSICAL EDUCATION |
| 3015 | EXTENDED SCHOOL YEAR SERVICES |
| 3016 | PARENTAL CONSENT FOR INITIAL PROVISION OF SERVICES |
| 3017 | INDIVIDUALIZED EDUCATION PROGRAM DEVELOPMENT |
| 3018 | INDIVIDUALIZED EDUCATION PROGRAM REVIEW AND REVISION |

| | |
|------|--|
| 3019 | INDIVIDUALIZED EDUCATION PROGRAM AMENDMENT |
| 3020 | INDIVIDUALIZED EDUCATION PROGRAM IN EFFECT |
| 3021 | LEAST RESTRICTIVE ENVIRONMENT |
| 3022 | PLACEMENT DETERMINATION |
| 3023 | HOMEBOUND SERVICES AND HOSPITAL INSTRUCTION (NOT REQUIRED FOR FAPE) |
| 3024 | HOME AND HOSPITAL INSTRUCTION (REQUIRED FOR FAPE) |
| 3025 | PLACEMENT OUTSIDE OF THE LEA |
| 3026 | SECONDARY TRANSITION |
| 3027 | IEP CERTIFICATE OF COMPLETION FOR SPECIAL EDUCATION |
| 3028 | EXIT FROM SPECIAL EDUCATION |
| 3029 | SYSTEM OF RECORD |
| 3030 | CONFIDENTIALITY OF EDUCATION RECORDS |
| 3031 | PARAPROFESSIONALS |
| 3032 | PARENTAL CONSENT |
| 3033 | PRIOR WRITTEN NOTICE |
| 3034 | PROCEDURAL SAFEGUARDS |
| 3035 | EDUCATIONAL SURROGATE PARENT |
| 3036 | TRANSFER OF RIGHTS: GENERAL PROVISIONS AND SUPPORTED DECISION-MAKING |
| 3037 | TRANSFER OF RIGHTS: EXCEPTIONS |
| 3038 | TRANSFER OF RIGHTS: NOTICE |
| 3039 | INDEPENDENT EDUCATIONAL EVALUATIONS |
| 3040 | PRIVATE PLACEMENT OF CHILDREN BY PARENTS WHEN FAPE IS AT ISSUE |
| 3041 | PRIVATE PLACEMENT OF CHILDREN BY PARENTS WHEN FAPE IS NOT AT ISSUE |
| 3042 | PARENT OBSERVATION |
| 3043 | CHILD COUNT |
| 3044 | DISCIPLINARY REMOVAL |
| 3045 | RESTRAINT |
| 3046 | SECLUSION |
| 3047 | RESTRAINT AND SECLUSION: REPORTING |
| 3048 | MEDIATION |
| 3049 | STATE COMPLAINTS UNDER IDEA |
| 3050 | IMPARTIAL DUE PROCESS |
| 3051 | CHILD'S STATUS DURING PROCEEDINGS |
| 3052 | HEARING RIGHTS |
| 3053 | RESOLUTION MEETINGS |
| 3054 | DUE PROCESS HEARINGS AND HEARING OFFICER DETERMINATIONS |
| 3055 | EXPERT WITNESS FEES |
| 3056 | ATTORNEY'S FEES |
| 3099 | DEFINITIONS |

3000 GENERAL PROVISIONS

3000.1 This chapter establishes state-level requirements implementing and supplementing Part B of the Individuals with Disabilities Education Act (IDEA), (20 USC §§ 1400 *et seq.*), its implementing regulations (34 CFR Part 300), and District of Columbia law governing special education.

3001 PROVISION OF FREE APPROPRIATE PUBLIC EDUCATION

3001.1 The local education agency (LEA) shall make a free appropriate public education (FAPE) available to each child with a disability, ages three (3) to twenty-two (22), who resides in, or is a ward of, the District including children who are suspended or expelled and highly mobile children, such as migrant or homeless children, even if they are advancing from grade to grade.

3001.2 For the District of Columbia Public Schools (DCPS), the responsibility to make FAPE available extends to all children with disabilities between the ages of three (3) and twenty-two (22) years old, who are residents of the District of Columbia but are not enrolled in a public charter school LEA, and children with disabilities attending private and religious schools in the District of Columbia, pursuant to the requirements of IDEA and § 3041 of this chapter.

3001.3 Unless otherwise provided in § 3001.11, a public charter school LEA's obligation to determine eligibility for special education services or to provide special education services on an existing individualized education program (IEP) is triggered upon completion of the registration of the student in the Student Information System (SIS) by the school upon receipt of required enrollment forms and letter of enrollment agreement, in accordance with subparagraph four (4) in the definition of enrollment in 5-A DCMR § 2199.

3001.4 A child with a disability shall remain eligible for special education and related services through the end of the semester the child turns twenty-two (22) years old.

3001.5 If a child with a disability turns twenty-two (22) after the end of a school year but prior to the first day of the following school year, the child shall be ineligible for further special education and related services under this chapter.

3001.6 Notwithstanding other legal obligations to provide FAPE, the District of Columbia Department of Youth Rehabilitation Services (DYRS) shall make FAPE available for youth committed to DYRS and housed at the New Beginnings Youth Development Center.

3001.7 The LEA's responsibility to make FAPE available extends to any child with a disability who is in the custody of the District of Columbia Child and Family Services Agency (CFSA), who is suspended or expelled by the LEA, and highly mobile children enrolled in the LEA such as migrant or homeless children.

- 3001.8 The LEA shall not deny enrollment or otherwise discriminate in its admissions policies or practices on the basis of a child's disability or status as a child with a disability, or the child's need or potential need for special education services, supplementary aids or services, or any other accommodation.
- 3001.9 With prior approval by the District of Columbia Public Charter School Board (PCSB), in accordance with D.C. Official Code § 38-1802.06(c-1), an LEA may give a preference in admission to an applicant who is a child with a disability with an IEP or an applicant who is eligible for special education and related services under a particular disability category.
- 3001.10 The LEA shall not require any child to obtain or utilize prescription medication as a condition of access to FAPE, or receipt of an evaluation or reevaluation.
- 3001.11 The LEA's obligation to make FAPE available to a child with a disability commences upon completion of the child's registration, in accordance with subparagraph (4) in the definition of enrollment in 5-A DCMR § 2199, except that:
- (a) For children transitioning from early intervention services under IDEA Part C to special education and related services under IDEA Part B, the LEA shall ensure a smooth and effective transition pursuant to 34 CFR § 300.124, including ensuring that:
 - (1) The LEA participates in transition planning conferences, as appropriate;
 - (2) The LEA has developed an IEP by the child's third (3rd) birthday, including:
 - (A) For public charter school LEAs, the LEA has developed an IEP by the third birthday of any child who is currently enrolled in the public charter school LEA or has completed the registration process for the upcoming school year; or
 - (B) For DCPS, the LEA has developed an IEP by the third birthday of any child who is a resident of the District of Columbia who is not enrolled in a public charter school LEA; and
 - (3) The LEA is implementing the IEP by the child's third birthday or, if the third birthday occurs on a non-school day or during the summer, within a timeframe established by the state education agency (SEA), including ensuring the provision of all special education and related services in the child's IEP.

- (b) For all other children not covered by subsection (a) transferring between LEAs between school years the new LEA's obligation to make FAPE available begins on the new LEA's first day of the school year; and
- (c) If a child is registered in the Student Information System (SIS) for more than one (1) LEA, the most recent date of documented parental consent for enrollment shall determine the LEA that is responsible for making FAPE available to the child.

3001.12

If a public charter school LEA closes or ceases to operate, in full or in part, for any reason, including without limitation voluntary relinquishment or revocation of its charter by the chartering authority, the public charter school LEA shall adhere to charter closure procedures established by the SEA and the chartering authority, as follows:

- (a) Within fourteen (14) days of the official action taken by the chartering authority to revoke, not renew, or acknowledge the relinquishment of a charter, the LEA shall make and document reasonable efforts to notify:
 - (1) The parents of all enrolled children with disabilities, including children with disabilities placed at a nonpublic special education school or program, of the parent's responsibility to enroll the child with a disability in another LEA; and
 - (2) Each nonpublic school where the LEA has placed students to inform the school of the timing and full implications of the closure and the nonpublic school's responsibility to assist the LEA in communications with parents regarding the LEA closure and the parent's responsibility to enroll the child with a disability in another LEA;
- (b) The LEA shall ensure all student records are updated in the state-level special education data system, including reviewing and revising any IEP that has expired or will expire within thirty (30) days of the closure of the public charter school;
- (c) The LEA shall provide to the parent a copy of the child's IEP and other documentation relevant to the provision of special education or related services prior to the last day of school or within ten (10) business days of a request by the parent, if earlier; and
- (d) The LEA shall address or resolve all outstanding child-level findings of noncompliance made by the SEA, a court of competent jurisdiction, or a impartial hearing officer pursuant to the IDEA .

- 3001.13 The LEA shall not be obligated to make FAPE available to a child with disability who has graduated from high school with a regular high school diploma. This provision does not apply to children with disabilities who were awarded an IEP Certificate of Completion (or equivalent) or were awarded a credential other than a high school diploma.
- 3001.14 The LEA shall not be obligated to make FAPE available to a child with a disability aged eighteen (18) to twenty-two (22) who, in the last educational placement prior to incarceration in an adult correctional facility:
- (a) Was not actually identified as being a child with a disability in accordance with this chapter; and
 - (b) Did not have an IEP in accordance with this chapter.
- 3001.15 The LEA shall be obligated to make FAPE available to a child with a disability described in § 3001.14 if the child:
- (a) Had been identified as a child with a disability and had received services in accordance with an IEP, but left school prior to his or her incarceration; or
 - (b) Did not have an IEP in his or her last educational setting, but had actually been identified as a child with a disability in accordance with this chapter.

3002 CONTINUUM OF ALTERNATIVE PLACEMENTS

- 3002.1 The LEA shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- 3002.2 The LEA shall provide the full continuum of alternative placements to accommodate the needs of a child with a disability, regardless of a lack of existing placement options that exist at the time of enrollment or because educating the child with a disability would result in additional costs, administrative inconvenience, or changes to school programming, staff, or schedule.
- 3002.3 The LEA's continuum of alternative placements shall include instruction in all of the following environments:
- (a) General education classroom;
 - (b) General education classroom with supplementary services;
 - (c) Self-contained special education classroom;

- (d) Special education day program, through the process described in § 3025;
- (e) Special education residential program, through the process described in § 3025;
- (f) Home instruction; and
- (g) Hospital instruction.

3003 CHILD FIND

3003.1 Each LEA and public agency shall publish and implement child find policies and procedures to ensure that:

- (a) All children with disabilities between the ages of three (3) and twenty-two (22) years of old enrolled in the LEA, including children with disabilities who are homeless, children who are in the custody of the District of Columbia CFSA or committed to the DYRS, children who are suspected of being a child with a disability even though they are making progress grade to grade, and highly mobile children, who are in need of special education and related services, are identified, located, and evaluated; and
- (b) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

3003.2 The DCPS shall also implement child find policies and procedures to ensure that:

- (a) All children with disabilities between three (3) and twenty-two (22) years who are residents of the District of Columbia but are not enrolled in a public charter school LEA, and who are in need of special education and related services, are identified, located, and evaluated;
- (b) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services;
- (c) With regard to children under the age of six (6) years old, DCPS shall:
 - (1) Maintain, and update at least annually, a list of primary referral sources, including physicians, hospitals, and other health providers; day care centers, child care centers, and early childhood programs; District departments and agencies; community and civic organizations; and advocacy organizations; and

- (A) Contact primary referral sources at least once a month until a referral relationship is established and then every three (3) months thereafter;
 - (B) Develop a system to track frequency and type (in person, email, phone, etc.) of contacts with the primary referral sources described in subsection (c)(1) to ensure that outreach occurs on a regular basis; and
 - (C) Develop, publish, and distribute printed materials for primary referral sources to inform them of the preschool special education and related services available from DCPS, the benefits and cost-free nature of these services, and how to make a referral;
- (2) Develop and publish printed materials for parents and guardians to provide information regarding preschool special education and related services available from DCPS, the benefits and cost-free nature of these services, and how to obtain the services. These materials shall be:
- (A) Written at an appropriate reading level and translated into multiple languages as required by local law; and
 - (B) Distributed to all primary referral sources described in subsection (c)(1), all DCPS and public charter schools, District of Columbia Public Libraries, Economic Security Administration (ESA) Service Centers, District of Columbia Parks and Recreation facilities, and other locations designed to reach as many parents or guardians of preschool children who may be eligible for special education and related services as possible; and
- (3) Ensure that appropriate DCPS outreach staff (e.g., the Child Find Field Coordinators) contact primary referral sources or a staff member in the primary referral source's office who are instrumental in making referrals at least once a month until a referral relationship is established and then every three (3) months thereafter. The initial meeting shall be face-to-face whenever possible when pursuing referrals from new referral sources and then less frequently thereafter, using the method of contact preferred by the referral sources (e.g., e-mail, texting, or telephone calls).

3003.3

DCPS shall conduct public awareness activities sufficient to inform parents and the community regarding the availability of special education and related services

and the methods available to request those services and programs. District public charter school LEAs shall conduct similar awareness activities to inform parents and community members that interact with the public charter school LEAs of the availability of special education and related services and the methods available to request those services and programs.

3003.4 DCPS is responsible for conducting child find activities for resident children who are homeschooled as well as resident and nonresident parentally-placed private school children over three (3) years of age attending religious and other private elementary and secondary schools located in the District and may not require enrollment in DCPS prior to evaluation or development of an IEP.

3003.5 To determine if a child is suspected of being a child with a disability, the LEA may:

- (a) Conduct screenings;
- (b) Consider existing child data and information; and
- (c) Consult with the parent.

3004 REQUEST FOR INITIAL EVALUATION

3004.1 The LEA shall treat a referral from the following individuals as a request for initial evaluation in accordance with 34 CFR §300.301(b):

- (a) The child's parent;
- (b) The child, provided that educational rights have transferred to the child;
- (c) An employee of the LEA the child is enrolled in, who has knowledge of the child; and
- (d) An employee of a public agency, as defined by 34 CFR § 300.33, who has knowledge of the child.

3004.2 For children under the age of six (6), the LEA shall also treat a referral from the following sources, as a request for initial evaluation in accordance with 34 CFR § 300.301(b):

- (a) Pediatrician or other medical professional including physicians, hospitals, and other health providers;
- (b) Child development facilities, including day care centers, child care centers, and early childhood programs;

- (c) District agencies and programs, including IDEA Part C programs;
- (d) Community and civic organizations; and
- (e) Advocacy organizations.

3004.3 The LEA shall not delay or deny a timely initial evaluation to conduct screenings or implement pre-referral interventions.

3004.4 The LEA shall notify the parent of receipt of any referral received under § 3004.2. This notification shall include information regarding:

- (a) The initial evaluation process;
- (b) Parental consent requirements; and
- (c) Resources the parent may contact for assistance.

3004.5 A referral for an initial evaluation may be oral or written.

3004.6 Upon receiving an oral referral for an initial evaluation, the LEA shall:

- (a) Assist any outside referral source, including but not limited to the parent and other public agencies, to document an oral referral in writing; and
- (b) Document the date of any oral referral within three (3) business days of receipt.

3005 INITIAL EVALUATION PROCESS

3005.1 The LEA shall ensure that a full and individual evaluation is conducted for each child suspected of being a child with a disability before the initial provision of special education and related services to determine:

- (a) If the child is a child with a disability under this chapter; and
- (b) The educational needs of the child.

3005.2 The LEA proposing or refusing to conduct an initial evaluation to determine if a child is a child with a disability shall provide the parent with prior written notice in accordance with § 3033 and a copy of the procedural safeguards notice in accordance with §3034.

3005.3 After providing prior written notice, the LEA shall obtain consent from the parent of the child before proceeding with the initial evaluation. The consent form shall contain:

- (a) Information about the purpose of the evaluation process;
- (b) The types of child-level data being assessed; and
- (c) Any additional assessments needed.

3005.4 An LEA shall:

- (a) Evaluate and make an eligibility determination for a student who may have a disability and who may require special education services within sixty (60) days from the date that the student's parent or guardian provides consent for the evaluation;
- (b) Make and document reasonable efforts, as defined in this chapter, to obtain parental consent within thirty (30) days from the date on which the child is referred for an initial evaluation;
- (c) Make reasonable efforts for purposes of obtaining parental consent for initial evaluation which shall begin no later than ten (10) business days from the referral date; and
- (d) The initial evaluation timeline in this section does not apply to the LEA if:
 - (1) The LEA has made and documented reasonable efforts under this Section and the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
 - (2) The child enrolls in a new LEA after the initial evaluation process timeline has begun, but before an eligibility determination has been made by the child's previous LEA, provided that the new LEA is making sufficient progress to ensure prompt completion of the evaluation, and the parent and new LEA agree to a specific time when the evaluation will be completed, not to exceed an additional thirty (30) days.

3005.5 In the case of an initial evaluation, if the child is in the custody of the District of Columbia CFSA and is not residing with the child's parent, the LEA is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if any of the following apply:

- (a) Despite documented reasonable efforts to do so, the LEA cannot determine the whereabouts of the parent of the child;

- (b) The rights of the parent of the child have been terminated in accordance with District of Columbia law; or
- (c) The rights of the parent to make educational decisions have been limited or terminated by a judge in accordance with District of Columbia law, and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

3005.6 If the parent does not provide consent for the initial evaluation or fails to respond to a request to provide consent, the LEA may, but is not required to, pursue the initial evaluation of the child through mediation or due process procedures consistent with this chapter.

3005.7 Parental consent for the initial evaluation shall not be construed as consent for the initial provision of special education and related services, in accordance with § 3016.

3006 EVALUATION PROCEDURES

3006.1 To conduct an evaluation, the LEA shall:

- (a) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
- (b) Document information used as a basis of the decision.

3006.2 As part of an initial evaluation, if appropriate, and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, shall:

- (a) Review existing evaluation data on the child, including:
 - (1) Evaluations and information provided by the parents of the child;
 - (2) Current classroom-based assessments and observations; and
 - (3) Observations by teachers and related service providers; and
- (b) Review, for children under the age of six (6):
 - (1) Relevant information provided by any agency, medical professional, service provider, child care provider, early childhood program, or relative who may have relevant information regarding the child; and
 - (2) IDEA Part C assessments and other related data.

- (c) On the basis of that review, and input from the child's parent, identify what additional data, if any, are needed to determine:
 - (1) Whether the child has a particular category of disability under this chapter or, in the case of a reevaluation of a child, whether the child continues to have such a disability;
 - (2) The present levels of performance and educational needs of the child;
 - (3) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (4) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

3006.3 Parental consent is not required for the IEP team to review existing data as part of a reevaluation.

3006.4 Qualified evaluators, under the direction of the LEA, shall administer assessment procedures as may be needed to produce the data required to make the determinations described in § 3006.2.

3006.5 If the determination under § 3006.2 is that no additional data are needed to determine whether the child continues to be a child with a disability, the IEP team shall notify the child's parents of that determination and the reasons for it, and of the right of the parents to request an assessment to determine whether, for purposes of services under this chapter, the child continues to be a child with a disability. The IEP team is not required to conduct assessments under § 3006.2 unless the IEP team determines that an assessment is necessary or is requested to do so by the child's parents.

3006.6 The LEA shall ensure that assessment materials and procedures used to evaluate a child's need for special education and related services are:

- (a) Selected and administered in a manner that is not racially or culturally discriminatory;
- (b) Used for the purposes for which the assessments or measures are valid and reliable;

- (c) Administered by trained and knowledgeable personnel in accordance with any instructions provided by the developer of the assessments; and
- (d) Provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.

3006.7 The LEA shall ensure that:

- (a) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining:
 - (1) Whether the child is a child with a disability under this chapter; and
 - (2) The content of the child's IEP, including information related to enabling the child to be involved and progress in the general education curriculum;
- (b) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient;
- (c) Tests are selected and administered to ensure that, if the child has impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflect impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure);
- (d) Each assessment report shall include the following:
 - (1) The date of assessment and the date of the report;
 - (2) A description of the child's performance in each area assessed, including specific strengths and weaknesses;
 - (3) Information relevant to determinations under § 3006.2;
 - (4) Instructional implications for the child's participation in the general curriculum;

- (5) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration); and
 - (6) The signature and title of the qualified examiner(s) who administered the assessment procedure and who wrote the report.
- (e) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child;
- (f) The child is assessed in all areas related to the suspected disability, including, if appropriate:
- (1) Academic performance;
 - (2) Health;
 - (3) Vision;
 - (4) Hearing;
 - (5) Social and emotional needs;
 - (6) General intelligence (including cognitive ability and adaptive behavior);
 - (7) Communication needs; and
 - (8) Motor abilities
- (g) In evaluating each child with a disability, the evaluation is sufficiently comprehensive to identify all of the child's special education and service needs, whether or not commonly linked to the disability category in which the child has been classified;
- (h) The IEP team uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and
- (i) The IEP team uses assessment tools and strategies that provide information that directly assists persons in determining the educational needs of the child.

- 3006.8 The LEA shall ensure that materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
- 3006.9 In evaluating a child suspected of having a learning disability, in addition to the procedures described above, the IEP team shall ensure that at least one team member other than the child's regular teacher observes the child's academic performance in the general education classroom setting; or, in the case of a child of less than school age or out of school, observes the child in an appropriate setting for a child of that age.
- 3006.10 Upon completion of the evaluation, the group described in § 3006.2 of this chapter shall:
- (a) Develop a comprehensive written evaluation (or reevaluation) report that includes:
 - (1) Information provided by the parent(s);
 - (2) Results of assessment procedures considered and used as a basis for making an eligibility determination;
 - (3) Results of analysis of existing data if conducted, which shall include local, state and classroom based assessments, as well as classroom observations;
 - (4) A statement that attest to whether the assessment procedures were valid for the purposes intended and for the child, reliable, and administered by a trained professional while following its developer's instructions;
 - (5) Whether the child is a child with a disability;
 - (6) Whether the child needs special education and related services;
 - (7) Whether the child has been evaluated in all areas of suspected disabilities;
 - (8) The signatures of team members participating in the determinations; and
 - (9) If the child was suspected of having SLD, in addition to (1)-(5):
 - (A) A statement of whether the child has SLD;

- (B) The basis for making the determination;
- (C) The relevant behaviors noted during the observation of the child;
- (D) The relationship of the behaviors to the child's educational performance;
- (E) Educationally relevant medical findings, if any;
- (F) A statement whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services;
- (G) The determination of the IEP team concerning the effects of environmental, economic, or cultural disadvantage; and
- (H) The written certification of each IEP team member as to whether the written report reflects the member's conclusions. If the written report does not reflect a member's conclusion, the team member shall submit a separate statement presenting the team member's conclusion. This separate statement will be included as part of the evaluation report; and

(b) Provide a copy of the evaluation report, and any underlying assessments, at no cost to the parent, no later than five (5) business days before the eligibility meeting.

3006.11 The screening of the child by a teacher, or school-based specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

3006.12 Screenings that are administered to all children shall not be considered to be evaluations for eligibility for special education and related services, and therefore do not require prior parental consent unless consent is required from the parents of all children.

3007 REEVALUATION

3007.1 The LEA shall conduct a reevaluation of each child with a disability to determine continued eligibility for special education in accordance with the requirements of this chapter at least once every three (3) years, or if:

- (a) The LEA determines that the child's educational or related service needs, including improved academic achievement and functional performance, warrant a reevaluation; or
 - (b) The child's parent or teacher requests a reevaluation.
- 3007.2 A reevaluation may not occur more than once a year, unless the parent and the LEA agree otherwise in writing.
- 3007.3 A reevaluation shall be conducted in accordance with the evaluation procedures described in § 3006.
- 3007.4 The LEA shall respond to a parent's request for a reevaluation within ten (10) business days by:
 - (a) Beginning reasonable efforts to obtain parental consent to reevaluate and providing prior written notice pursuant to § 3033 proposing to proceed with the requested reevaluation; or
 - (b) Providing prior written notice pursuant to § 3033 refusing to proceed with the requested reevaluation.
- 3007.5 The LEA shall make and document all reasonable efforts, as defined in this chapter, to obtain informed parental consent prior to conducting a reevaluation of a child with a disability.
- 3007.6 The LEA may proceed with a reevaluation without obtaining informed parental consent if the LEA demonstrates:
 - (a) It made reasonable efforts, as defined in this chapter, to obtain parental consent; and
 - (b) The child's parent failed to respond.
- 3007.7 If the parent refuses to consent to the reevaluation, the LEA may, but is not required to, pursue the reevaluation through mediation or due process procedures consistent with this chapter.

3008 INDIVIDUALIZED EDUCATION PROGRAM TEAM

- 3008.1 The individualized education program (IEP) Team for each child with a disability shall include the following mandatory IEP Team participants:
 - (a) The child's parent;

- (b) At least one general education teacher of the child, if the child is or may be participating in the general education environment;
- (c) At least one (1) special education teacher, or if appropriate, at least one (1) special education provider of the child;
- (d) A representative of the LEA who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, and knowledgeable about the general education curriculum and about the availability of resources of the LEA;
- (e) An individual who can interpret the instructional implications of evaluation results, who:
 - (1) May be a member of the team described in (a) through (d) of this Section; and
 - (2) When the purpose of the IEP meeting is to evaluate a child to determine his or her eligibility for special education and related services the IEP Team shall include qualified individual(s) with appropriate credentials and expertise to conduct evaluations in the area(s) of the child's suspected disability; and
- (f) Whenever appropriate, the child.

3008.2 The IEP Team for each child with a disability includes the following additional IEP Team participants, as appropriate:

- (a) Related services personnel;
- (b) A Part C representative may be appropriate if a child was previously served under Part C of the IDEA. If appropriate, an invitation to the initial IEP Team meeting shall, with the consent of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services;
- (c) A secondary transition representative may be appropriate if the IEP Team will discuss secondary transition. If appropriate and in compliance with this Section, the LEA shall invite, with parental consent, a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
- (d) The child, as follows:

- (1) If the child has reached fourteen (14) years of age, or younger if deemed appropriate by the child’s IEP Team;
- (2) The LEA shall invite the child with a disability to attend the child IEP Team meeting if a purpose of the meeting is the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals; and
- (3) If the child does not attend the IEP Team meeting involving the consideration of the postsecondary goals and transition services, the LEA shall take other steps to ensure that the child’s preferences and interests are considered; and

(e) Other individuals, as follows:

- (1) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate; and
- (2) The determination of the knowledge or special expertise of any individual described in this Section shall be made by the party (parent or LEA) who invited the individual to be a member of the IEP Team.

3008.3 The IEP Team for a child suspected of having a specific learning disability shall include the following additional mandatory IEP Team participants:

- (a) The child's regular teacher.
 - (1) If the child does not have a regular teacher, a teacher qualified to teach a child of his or her age; or
 - (2) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and
- (b) At least one (1) person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

3008.4 A mandatory IEP Team member may be excused from attending an IEP Team meeting, in whole or in part, under the following circumstances:

- (a) The member’s area of the curriculum or related services is not being modified or discussed in the meeting and the parent and the LEA agree, in writing, that the attendance of the member is not necessary; or

- (b) The meeting involves a modification to or discussion of the member's area of the curriculum or related services, and all of the following occur:
 - (1) The parent and the LEA consent to the excusal in writing;
 - (2) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting; and
 - (3) The written input includes educational and behavioral strengths and needs of the child as related to the IEP Team member's area of curriculum or related services.

3009 PARENT PARTICIPATION IN IEP TEAM MEETINGS

3009.1 The LEA shall ensure that the parent of a child with a disability is present at each IEP Team meeting or afforded the opportunity to participate by making and documenting all reasonable efforts, as defined in this chapter, to:

- (a) Notify the parent in writing of the meeting no later than five (5) business days prior to the meeting to ensure that the parent will have an opportunity to attend.
- (b) Schedule the meeting at a mutually agreed on time and place.

3009.2 The LEA shall demonstrate reasonable efforts, as defined in this chapter, to contact the parent for the purposes of inviting the parent to participate in the IEP Team meeting no later than five (5) business days before the meeting, unless the parent agrees to a meeting date within five (5) business days of the initial contact.

3009.3 The notice to the parent required in § 3009.1 shall include:

- (a) The purpose, time, date, and location of the meeting;
- (b) The participants who will attend the meeting;
- (c) Information advising that the parent may invite other individuals to participate in the IEP Team meeting who have knowledge or special expertise regarding the child, including related services personnel as appropriate or representatives from the IDEA Part C system for initial IEP meetings; and
- (d) Beginning with the first IEP to be in effect when the child turns fourteen (14) years old, indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, that the LEA will:

- (1) Invite the child;
- (2) Identify any other agency that will be invited to send a representative including any participating agency the LEA proposes to invite because the agency is likely to be responsible for providing or paying for transition services; and
- (3) Include consent forms to be signed by the parent for the purpose of allowing the LEA to invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services or a representative of any other specified agency.

3009.4 The LEA shall provide, at no cost to the parent, an accessible copy of any evaluation, assessment, report, data chart, or other document that will be discussed at the meeting. Such accessible copies shall be provided no fewer than five (5) business days before a scheduled IEP Team meeting, if the purpose of which is to discuss the child's IEP or eligibility for special education and related services. However, if a meeting is scheduled fewer than five (5) business days before it is to occur, such accessible copies shall be provided no fewer than twenty-four (24) hours before the meeting.

3009.5 If the parent cannot physically attend the IEP Team meeting, the LEA shall use other methods of inclusion to ensure parent participation, including video conferences, conference telephone calls and online telecommunication applications to which the parent has access.

3009.6 The IEP Team meeting may be conducted without the parent in attendance or participating by other means if the LEA:

- (a) Is unable to convince the parent to attend or participate;
- (b) The LEA has a record of its reasonable efforts, as defined in this chapter, to arrange a mutually agreed on time and place consistent with § 3009.1; and
- (c) The parent was offered at least two meeting options on different dates or different times.

3009.7 The LEA shall take whatever action is necessary to ensure that the parent understands the proceedings and materials provided at the IEP Team meeting, including the following, as appropriate:

- (a) Arranging for an interpreter for a parent with deafness or whose native language is other than English;

- (b) Providing written material in the parent's native language or other mode of communication used by the parent, unless it is clearly not feasible to do so; and
- (c) Providing a hard copy of the procedural safeguards, meeting the requirement of § 3034, upon request by the parent.

3009.8 The LEA shall provide the parent with a copy of the child's new or amended completed IEP at no cost no later than five (5) business days after the IEP Team meeting, as follows:

- (a) If the IEP has not been completed by the fifth (5th) business day after the meeting or additional time is required to comply with the D.C. Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931), the LEA shall provide the parent with the latest available draft IEP; and
- (b) Under the circumstances outlined in § 3009.8(a), the LEA shall provide a completed copy of the IEP to the parent no later than fifteen (15) business days after the IEP Team meeting to develop the new or amended IEP.

3010 ELIGIBILITY DETERMINATION

3010.1 As part of the initial evaluation procedures described in §§ 3005-3006, the IEP Team shall complete its eligibility determination including determining:

- (a) Whether the child is a child with a disability under this chapter; and
- (b) The educational needs of the child.

3010.2 The IEP Team may not determine that the child is a child with a disability if the determinant factor for that eligibility determination is:

- (a) Lack of appropriate instruction in reading, including the essential components of reading instruction;
- (b) Lack of appropriate instruction in math; or
- (c) Limited English proficiency.

3010.3 Except as provided in § 3010.4, if a child has a disability that does not adversely affect the child's educational performance, and requires a related service but not special education, the child is not considered a child with a disability under this chapter.

- 3010.4 Speech-language pathology services may be considered special education, and may be designated as special education on a child's IEP.
- 3010.5 The IEP Team shall develop an IEP only for an eligible child with disabilities who requires special education services.
- 3010.6 A determination by the IEP team that a child is a child with a disability but that the child does not require special education services under this chapter does not preclude a child's eligibility for services or protections under the Rehabilitation Act.
- 3010.7 The LEA shall provide a copy of the documentation of the determination of eligibility at no cost to the parent no later than five (5) business days after the meeting at which the determination of eligibility was made.

3011 DISABILITY CATEGORIES

- 3011.1 **Autism.** In determining eligibility on the basis of autism, the following shall apply:
- (a) Autism shall mean a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in § 3011.5;
 - (b) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child displays difficulties or differences or both in interacting with people and events, including an inability to establish and maintain reciprocal relationships with people or demonstration of rigidity of routines;
 - (2) Whether the child displays problems which extend beyond speech or language to other aspects of social communication, both receptively and expressively. The child's verbal language may be absent or lacking the usual communicative form which may involve deviance or delay, or both;
 - (3) Whether the child exhibits delays, arrests, abnormalities, or regressions in motor, sensory, social, or learning skills or the development of such skills;

- (4) Whether the child exhibits abnormalities in thought or processing skills;
 - (5) Whether the child exhibits unusual, inconsistent, repetitive, or unconventional responses to sounds, sights, smells, tastes, touch, or movement;
 - (6) Whether the child displays marked distress over changes, insistence on following routines, and a persistent preoccupation with or attachment to objects.
- (c) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for autism, including medical documentation or a medical diagnosis, if available.
 - (d) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance is adversely affected by the suspected disability and not any of the inappropriate determinant factors listed in § 3010.2.

3011.2

Deaf-blindness. In determining eligibility on the basis of deaf-blindness, the following shall apply:

- (a) Deaf-blindness shall mean concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for children with deafness or children with blindness.
- (b) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child displays a hearing impairment consistent with § 3011.6 or deafness consistent with § 3011.3;
 - (2) Whether the child displays a visual impairment consistent with § 3011.14;
 - (3) Whether the child displays severe communication and other developmental and educational needs that cannot be accommodated in programming solely addressing deafness or blindness.
- (c) The IEP Team shall review and consider medical documentation of hearing impairment, deafness, visual impairment, or blindness, if available;

- (d) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for deaf-blindness; and
- (e) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by deaf-blindness and not any of the inappropriate determinant factors listed in § 3010.2.

3011.3 **Deafness.** In determining eligibility on the basis of deafness, the following shall apply:

- (a) Deafness shall mean a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification and that adversely affects a child's educational performance;
- (b) The IEP Team shall consider assessments and child data related to whether the child displays an impairment in processing linguistic information through hearing, with or without amplification;
- (c) The IEP Team shall review and consider medical documentation of deafness, if available;
- (d) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for deafness; and
- (e) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by deafness and not any of the inappropriate determinant factors listed in § 3010.2.

3011.4 **Developmental Delay.** In determining eligibility on the basis of developmental delay, the following shall apply:

- (a) Developmental delay shall mean a condition in which a child, age three (3) through seven (7), experiences severe developmental delays in one (1) or more of the following areas: physical development, language and communication development, social or emotional development, cognitive development, or functional or adaptive development. Developmental delay does not include autism, traumatic brain injury, intellectual disability, emotional disturbance, other health impairment, visual impairment, hearing impairment, or speech/ language impairment;
- (b) The IEP Team shall consider assessments and child data related to whether the child experiences severe developmental delays of at least two (2) years below his or her chronological age or at least two (2) standard

deviations below the mean, as measured by appropriate standardized diagnostic instruments and procedures in the following areas:

- (1) Physical development;
 - (2) Language and communication development;
 - (3) Cognitive development;
 - (4) Adaptive development; or
 - (5) Social or emotional development;
- (c) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for developmental delay, including medical documentation if available;
- (d) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by the suspected disability and not any of the inappropriate determinant factors as listed in § 3010.2; and
- (e) To remain eligible for special education and related services, a child identified as having a developmental delay shall qualify as having another category of disability prior to the child's eighth (8th) birthday.

3011.5

Emotional disturbance. In determining eligibility on the basis of emotional disturbance, the following shall apply:

- (a) Emotional disturbance shall mean a condition exhibiting one (1) or more of the following characteristics over a minimum duration of three (3) months and to a marked degree that adversely affects a child's educational performance:
- (1) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
 - (2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - (3) Inappropriate types of behavior or feelings under normal circumstances;
 - (4) A general pervasive mood of unhappiness or depression;

- (5) A tendency to develop physical symptoms or fears associated with personal or school problems.
- (b) Emotional disturbance includes schizophrenia;
- (c) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child exhibits one (1) or more of the following characteristics:
 - (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
 - (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
 - (C) Inappropriate types of behavior or feelings under normal circumstances;
 - (D) A general pervasive mood of unhappiness or depression; or
 - (E) A tendency to develop physical symptoms or fears associated with personal or school problems; and
 - (2) Whether the child exhibits characteristics of emotional disturbance to a marked degree over a minimum duration of three (3) months;
- (d) A child who is socially maladjusted shall not be eligible under the emotional disturbance disability category;
- (e) A child shall not be identified as having an emotional disturbance solely because the child's behavior repeatedly violates the LEA's code of child conduct or because the child is involved with a court or social service agency;
- (f) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for emotional disturbance, including medical documentation or a medical diagnosis, if available; and
- (g) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by emotional disturbance and not any of the inappropriate determinant factors listed in § 3010.2.

3011.6 **Hearing impairment.** In determining eligibility on the basis of hearing impairment, the following shall apply:

- (a) Hearing impairment shall mean a permanent or fluctuating deficit in hearing that adversely affects a child's educational performance;
- (b) The IEP Team shall consider assessments and child data related to whether the child displays a permanent or fluctuating deficit in hearing;
- (c) The IEP Team shall review and consider medical documentation of a hearing impairment, if available;
- (d) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for hearing impairment; and
- (e) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by hearing impairment and not any of the inappropriate determinant factors listed in § 3010.2.

3011.7 **Intellectual disability.** In determining eligibility on the basis of intellectual disability, the following shall apply:

- (a) Intellectual disability shall mean significantly below average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. Intellectual disability does not include conditions primarily due to a sensory or physical impairment, traumatic brain injury, autism spectrum disorders, severe multiple impairments, cultural influences or a history of inconsistent or inadequate educational programming;
- (b) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child displays intellectual functioning well below the mean on an individually administered standardized intelligence assessment. The IEP Team shall account for the standard error of measurement of the assessment in interpreting the results; and
 - (2) Whether the child displays deficits in adaptive behavior that significantly limit a child's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility, and school performance that is expected of the individual's age level and cultural group, as determined by clinical judgment;

- (c) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for intellectual disability, including medical documentation or a medical diagnosis, if available; and
- (d) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by intellectual disability and not any of the inappropriate determinant factors listed in § 3010.2.

3011.8 **Multiple disabilities.** In determining eligibility on the basis of multiple disabilities, the following shall apply:

- (a) Multiple disabilities shall mean concurrent impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness;
- (b) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child meets all eligibility criteria required for two (2) or more of the following disability categories as defined in this section:
 - (A) Autism;
 - (B) Emotional disturbance;
 - (C) Hearing impairment, if not concurrent with visual impairment;
 - (D) Intellectual disability;
 - (E) Orthopedic impairment;
 - (F) Other health impairment;
 - (G) Specific learning disability;
 - (H) Speech or language impairment;
 - (I) Traumatic brain injury; or

- (J) Visual impairment, if not concurrent with hearing impairment;
- (2) Whether the combination of coexisting impairment is so severe, complex, and interwoven that identification in a single category of disability cannot be determined; and
- (3) Whether the impairment results in multisensory or motor deficiencies and delays in the cognitive, affective, or psychomotor areas designed solely to address single impairments;
- (c) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for multiple disabilities, including medical documentation or a medical diagnosis, if available;
- (d) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by multiple disabilities and not any of the inappropriate determinant factors as listed § 3010.2; and
- (e) Multiple disabilities shall be treated as a separate and distinct classification from all other disability categories, and shall not be utilized due merely to the child not meeting the criteria of other categories.

3011.9

Orthopedic impairment. In determining eligibility on the basis of orthopedic impairment, the following shall apply:

- (a) Orthopedic impairment shall mean a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (*e.g.* poliomyelitis, bone tuberculosis), and impairments from other causes (*e.g.* cerebral palsy, amputations, and fractures or burns that cause contractures);
- (b) The IEP Team shall consider assessments and child data related to whether the child displays a severe orthopedic impairment caused by:
 - (1) A congenital anomaly;
 - (2) Disease; or
 - (3) Other causes, as appropriate;
- (c) The IEP Team shall review and consider medical documentation of an orthopedic impairment, if available;

- (d) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for orthopedic impairment; and
- (e) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by orthopedic impairment and not any of the inappropriate determinant factors listed in § 3010.2.

3011.10 **Other health impairment.** In determining eligibility on the basis of other health impairment, the following shall apply:

- (a) Other health impairment shall mean having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems and adversely affects a child's educational performance;
- (b) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child displays limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment; and
 - (2) Whether the child exhibits a chronic or acute health problem, including but not limited to asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, or Tourette syndrome;
- (c) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for other health impairment, including medical documentation or a medical diagnosis, if available;
- (d) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by an other health impairment and not any of the inappropriate determinant factors listed in § 3010.2; and
- (e) The other health impairment category shall be treated as a separate and distinct classification from all other disability categories, and shall not be utilized due merely to the child not meeting the criteria of other categories.

3011.11 **Specific learning disability.** In determining eligibility on the basis of specific learning disability, the following shall apply:

- (a) Specific learning disability shall mean a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may affect the ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, of environmental, cultural, economic disadvantage, or limited English proficiency;
- (b) The IEP Team shall consider assessments and child data related to whether the child achieves adequately for the child's age or meets state-approved grade-level standards, when provided with learning experiences and instruction appropriate for the child's age or state-approved grade-level standards, in one (1) or more of the following areas:
 - (1) Oral expression;
 - (2) Listening comprehension;
 - (3) Written expression;
 - (4) Basic reading skills;
 - (5) Reading fluency skills;
 - (6) Reading comprehension;
 - (7) Mathematics calculation; or
 - (8) Mathematics problem solving;
- (c) The IEP Team shall determine that its findings in accordance with this Section are not primarily the result of:
 - (1) A visual, hearing, or motor disability;
 - (2) Intellectual disability;
 - (3) Emotional disturbance;
 - (4) Cultural factors;

- (5) Environmental or economic disadvantage; or
 - (6) Limited English proficiency;
- (d) To ensure underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the IEP Team shall consider:
- (1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in general education settings, delivered by qualified personnel; and
 - (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of child progress during instruction, which was provided to the child's parents;
- (e) The IEP Team shall determine eligibility for specific learning disability using one (1) of the following methods:
- (1) Eligibility using scientific, research-based interventions. In determining eligibility on the basis of specific learning disability using scientific, research-based interventions, the IEP shall consider assessments and child data related to:
 - (A) The criteria set forth in (a) of this Paragraph;
 - (B) Whether the child makes sufficient progress to meet age or grade-level standards in one or more of the areas identified in § 3011.11(b) when using a process based on the child's response to scientific, research-based intervention, or a Response-to-Intervention model; and
 - (C) Whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with this chapter; or
 - (2) Eligibility using the discrepancy model. In determining eligibility on the basis of specific learning disability using the discrepancy model, the IEP Team shall consider assessments and child data related to:

- (A) The criteria set forth in (a) of this Paragraph; and
 - (B) If a discrepancy is demonstrated between achievement and intellectual functioning as measured by the educational evaluation and the intellectual evaluation of at least two (2) standard deviations, as measured by appropriate standardized diagnostic instruments and procedures;
- (f) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for specific learning disability, including medical documentation or a medical diagnosis, if available;
- (g) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by a specific learning disability and not any of the inappropriate determinant factors listed in § 3010.2.

3011.12 **Speech or language impairment.** In determining eligibility on the basis of speech or language impairment, the following shall apply:

- (a) Speech or language impairment shall mean a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. A speech or language impairment shall not be attributed to characteristics of second language acquisition or dialectic differences;
- (b) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child displays an articulation impairment, including atypical production of speech sounds characterized by substitutions, omissions, additions, or distortions that interferes with intelligibility in conversational speech;
 - (2) Whether the child displays a fluency impairment, including:
 - (A) Interruption in the flow of speech characterized by an atypical rate or rhythm;
 - (B) Repetition in sounds, syllables, words and phrases that significantly reduces the child's ability to participate within the learning environment;
 - (C) Excessive tension, struggling behaviors, or ritualistic behaviors or movements;

- (D) Stuttering; and
- (E) Cluttering;
- (3) Whether the child displays a language impairment, including:
 - (A) Impaired comprehension or use of spoken language which may also impair written or other symbol systems;
 - (B) Impairment in the form of language (phonology, morphology, and syntax);
 - (C) Impairment in the content of language (semantics); and
 - (D) Impairment in the use of language in communication (pragmatics);
- (4) Whether the child displays a voice impairment, including:
 - (A) Interruption in one or more processes of pitch, quality, intensity, or resonance resonance that significantly reduces the speaker's ability to communicate effectively;
 - (B) Aphonia, or the abnormal production of vocal quality, pitch, loudness, resonance, or duration, which is inappropriate for an individual's age or gender, or both;
- (c) Fluency impairment does not include dysfluencies evident in only one setting or reported by one observer;
- (d) The IEP Team shall review and consider medical documentation of a speech or language impairment, if available;
- (e) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for speech or language impairment; and
- (f) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by speech or language impairment and not any of the inappropriate determinant factors listed in § 3010.2.

3011.13

Traumatic brain injury. In determining eligibility on the basis of traumatic brain injury, the following shall apply:

- (a) Traumatic brain injury shall mean an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual, and motor abilities, psychosocial behavior, physical functions, information processing, and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma;
- (b) The IEP Team shall consider assessments and child data related to:
 - (1) Whether the child acquired injury to the brain caused by an external force that resulted in total or partial functional disability or psychosocial impairment;
 - (2) Whether the child displays a deficit in cognition, including memory, attention, reasoning, abstract thinking, judgment, problem solving, speed of information processing, cognitive endurance, organization, receptive and expressive language, and speed of language recall;
 - (3) Whether the child displays deficit in psychosocial behavior, including awareness of self and others, interactions with others, responses to social rules, emotional responses to everyday situations, and adaptive behavior; and
 - (4) Whether the child displays deficit in physical or motor abilities, including hearing and vision acuity, speech production, hand-eye coordination, mobility, and physical endurance;
- (c) The IEP Team shall review and consider medical documentation of a traumatic brain injury, if available;
- (d) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for traumatic brain injury; and
- (e) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by traumatic brain injury and not any of the inappropriate determinant factors listed in § 3010.2.

3011.14

Visual impairment. In determining eligibility on the basis of visual impairment, the following shall apply:

- (a) Visual impairment, including blindness, shall mean an impairment in vision that, even with correction, adversely affects a child's educational performance. Visual impairment includes partial sight and blindness;
- (b) The IEP Team shall consider assessments and child data related to whether the child exhibits an impairment in vision, including:
 - (1) Partial sight;
 - (2) Blindness; or
 - (3) Other visual conditions that, even with correction, adversely affect the child's educational performance;
- (c) The IEP Team shall review and consider medical documentation of visual impairment, if available, including:
 - (1) Exact measures of visual field and corrected visual acuity at a distance and at close range in each eye;
 - (2) Diagnosis of cortical visual impairment; or
 - (3) Diagnosis of degenerative condition that is likely to result in significant loss of vision in the future;
- (d) The IEP Team may consider and use as the basis for its determination any other sources of existing data indicating eligibility for visual impairment;
- (e) The IEP Team shall confirm that the child-level data demonstrates that the child's educational performance has been adversely affected by a visual impairment and not any of the inappropriate determinant factors listed in § 3010.2;
- (f) For a child identified as having a visual impairment, an LEA shall assess the child's need for special aids, materials, tactual media such Braille, and equipment for learning, literacy, activities of daily living, social interaction, and self-advocacy; and
- (g) For children identified as having a visual impairment who have a visual acuity of 20/200 or less after routine refractive correction, or who have a peripheral field of vision restricted to not more than twenty degrees (20°), the LEA shall obtain an evaluation by an orientation and mobility specialist. The orientation and mobility specialist shall also include in the report a set of recommended procedures to be used by a mobility specialist

or a teacher of children with visual impairment in conducting orientation and mobility training activities.

3012 RELATED SERVICES

3012.1 After determining that a child is a child with a disability and designating the appropriate special education services to address the adverse educational impact caused by the child's disability, the IEP Team shall determine whether the child requires any related services to benefit from special education.

3012.2 The LEA shall ensure that related services personnel who deliver services in their discipline or profession:

- (a) Have qualifications consistent with any District of Columbia approved or recognized credential, certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing related services; and
- (b) Have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

3012.3 Audiology as a related service includes:

- (a) Identification of children with hearing loss;
- (b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (c) Provision of habilitative activities, including language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
- (d) Creation and administration of programs for prevention of hearing loss;
- (e) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
- (f) Determination of the child's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

3012.4 Counseling services as a related service includes services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

- 3012.5 Early identification and assessment of disabilities in children as a related service includes the implementation of a formal plan for identifying a disability as early as possible in a child's life.
- 3012.6 Interpreting services as a related service includes:
- (a) Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, including communication access real-time translation (CART), C-Print, and TypeWell for children who are deaf or hard of hearing; and
 - (b) Special interpreting services for children who are deaf-blind.
- 3012.7 Medical services as a related service includes services provided by a licensed physician to determine a child's medically-related disability that results in the child's need for special education and related services.
- 3012.8 Occupational therapy as a related service is a service provided by a qualified occupational therapist that includes:
- (a) Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation;
 - (b) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
 - (c) Preventing, through early intervention, initial or further impairment or loss of function.
- 3012.9 Orientation and mobility services as a related service includes services provided to blind or visually impaired children, by qualified personnel, to enable those children to attain systematic orientation to and safe movement within their environments in school, home, and community, and includes teaching children the following, as appropriate:
- (a) Spatial and environmental concepts and use of information received by the senses (*i.e.*, sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (*e.g.*, using sound at a traffic light to cross the street);
 - (b) To use of the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for children with no available travel vision;
 - (c) To use and understanding of remaining vision and distance low vision aids; and

(d) Other concepts, techniques, and tools.

3012.10 Parent counseling and training as a related service includes:

- (a) Assisting parents in understanding the special needs of their child;
- (b) Providing parents with information about child development; and
- (c) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP including, as appropriate, the use of assistive technology as set forth in § 3013.

3012.11 Physical therapy as a related service includes services provided by a qualified physical therapist.

3012.12 Psychological services as a related service includes:

- (a) Administering psychological and educational tests, and other assessment procedures;
- (b) Interpreting assessment results;
- (c) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- (d) Consulting with other staff members in planning school programs to meet the special educational needs of children as indicated by psychological tests, interviews, direct observation, and behavioral evaluations;
- (e) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
- (f) Assisting in developing positive behavioral intervention strategies.

3012.13 Recreation as a related service includes:

- (a) Assessment of leisure function;
- (b) Therapeutic recreation services;
- (c) Recreation programs in schools and community agencies; and
- (d) Leisure education.

- 3012.14 Rehabilitation counseling services as a related service means services provided to a child with a disability by qualified personnel, in individual or group sessions that focus specifically on the child's career development, employment preparation, achievement of independence, and integration in the workplace and community. The term also includes vocational rehabilitation services provided to a child with a disability by vocational rehabilitation programs funded under the Rehabilitation Act.
- 3012.15 School health services and school nurse services as related services include health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP and are provided as follows:
- (a) School nurse services are services provided by a qualified school nurse.
 - (b) School health services are services that may be provided by either a qualified school nurse or other qualified person.
- 3012.16 Social work services as a related service in schools includes:
- (a) Preparing a social or developmental history on a child with a disability;
 - (b) Group and individual counseling with the child and family;
 - (c) Working in partnership with parents and others on those problems in a child's living situation that affect the child's adjustment in school;
 - (d) Mobilizing school and community resources to enable the child to learn as effectively as possible in the child's educational program; and
 - (e) Assisting in the development of positive behavioral intervention strategies.
- 3012.17 Speech-language pathology services as a related service includes:
- (a) Identification of children with speech or language impairments;
 - (b) Diagnosis and appraisal of specific speech or language impairments;
 - (c) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
 - (d) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
 - (e) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

- 3012.18 Transportation as a related service:
- (a) Includes travel to and from school and between schools, travel in and around school buildings, and specialized equipment, if required to provide special transportation for a child with a disability; and
 - (b) Shall be provided if the IEP Team determines that the provision of transportation services is necessary for the provision of FAPE and the child is eligible for transportation, using state-established criteria as prescribed in state-level policy.

3013 ASSISTIVE TECHNOLOGY

- 3013.1 The IEP Team shall consider whether a child with a disability requires assistive technology devices or assistive technology services, or both, on an annual basis. The IEP Team shall document the need for any assistive technology devices or services in the child's IEP.
- 3013.2 As part of its consideration of assistive technology services, the IEP Team shall consider training necessary for the child with a disability to utilize required assistive technology devices or the child's parent and teachers to support the child's use of required assistive technology devices.
- 3013.3 The LEA shall ensure that assistive technology devices and services are made available to a child with a disability in accordance with the child's IEP.
- 3013.4 The LEA shall not require the child with a disability or parent to purchase or otherwise provide assistive technology devices or assistive technology services as a condition of accessing FAPE, if such devices are deemed necessary by the IEP Team.
- 3013.5 The LEA shall allow the child with a disability to utilize LEA-purchased assistive technology devices in the child's home or other settings if the IEP Team determines that the child requires access to those devices in the home or other settings in order to receive FAPE.

3014 PHYSICAL EDUCATION AND ADAPTED PHYSICAL EDUCATION

- 3014.1 Each LEA shall make physical education services, adapted if necessary, available to every child with a disability receiving FAPE, including any supplementary aids and services or modifications necessary for a child's successful participation in the general or adapted physical education program, unless the LEA does not provide physical education to children without disabilities in the same grade or program.

- 3014.2 Adapted physical education may include, but is not limited to, the development of physical fitness, motor fitness, fundamental motor skills and patterns, skills in aquatics, dance, individual and group games, and sports.
- 3014.3 Each child with a disability shall be afforded the opportunity to participate with children without disabilities in the general physical education program unless:
- (a) The child with a disability is educated full-time in a separate facility; or
 - (b) The child needs specially designed instruction in physical education pursuant to the child's IEP that cannot be accommodated within a general physical education setting for practical reasons not related to lack of funding or staffing.
- 3014.4 If adapted physical education is prescribed in the child's IEP, the LEA shall provide the physical education services directly or make arrangements for those services to be provided through an alternative public or private provider.
- 3014.5 The LEA shall ensure that a child with a disability who is educated full-time in a separate facility receives appropriate physical education services or adapted physical education services, in compliance with this section.

3015 EXTENDED SCHOOL YEAR SERVICES

- 3015.1 The IEP Team shall determine, whether the provision of extended school year services is necessary for the provision of FAPE to a child with a disability on an individual basis, as part of the initial IEP development and the annual IEP review.
- 3015.2 In determining whether extended school year services are necessary for the provision of FAPE, the IEP team shall utilize at least three (3) months of progress monitoring data from the current school year, or any relevant current data or information if three (3) months of progress monitoring data from the current school year is not available, to consider and document each of the following:
- (a) The impact of break in service on previously attained or emerging critical skills;
 - (b) The likelihood and degree of regression related to previously attained or emerging critical skills; and
 - (c) The time required for recoupment of previously attained or emerging critical skills.
- 3015.3 For the purposes of determining whether extended school year services are necessary for the provision of FAPE, a critical skill is a skill that is essential to a student's overall educational progress and may include an academic skills, such as

reading, or a non-academic skill that has a direct educational impact, such as a fine motor skill.

- 3015.4 The LEA shall not limit extended school year services to particular categories of disability or unilaterally limit the type, amount, or duration of these services.
- 3015.5 A child's status as a child with a disability, or a child with a disability who receives extended school year services, shall not limit the child's access to summer school in order to earn credits needed to advance between grades or graduate from high school.
- 3015.6 If a child with a disability transfers between DC LEAs between school years and has an IEP which includes extended school year services, the child's prior DC LEA shall ensure the provision of such services through July 31 or the last day of summer extended school year services.
- 3015.7 If a child with a disability receives extended school year services, the IEP Team shall determine whether extended school year related transportation services are necessary for the provision of FAPE. The determination regarding extended school year services provided during the summer, including the location of those services, shall be made in accordance with timelines established by the SEA.

3016 PARENTAL CONSENT FOR INITIAL PROVISION OF SERVICES

- 3016.1 The LEA shall obtain consent from the parent of a child with a disability before initiating the provision of special education and related services to the child.
- 3016.2 A parent who consents to the initial provision of special education and related services is consenting to the provision of services generally, and may not decline consent for any particular special education or related service designated in the IEP.
- 3016.3 The LEA shall maintain a record that demonstrates reasonable efforts as defined in this chapter to obtain consent from the parent for the initial provision of special education and related services.
- 3016.4 If the parent of a child with a disability fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, all of the following apply:
- (a) The LEA is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services;

- (b) The LEA shall not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- (c) The LEA may not use mediation or due process procedures to obtain agreement or a ruling that the services can be provided to the child without parental consent.

3016.5 A parent who consents to the provision of special education and related services may revoke consent at any time, as follows:

- (a) A parent who revokes consent shall submit the revocation in writing;
- (b) If the parent revokes consent, that revocation is not retroactive and does not negate an action that has occurred after the consent was initially given and before the consent was revoked; and
- (c) If the parent revokes consent after the child is initially provided special education and related services, the LEA is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

3016.6 If a parent revokes consent prior to the initial provision of special education and related services, the LEA:

- (a) Shall provide prior written notice of the LEA's intent to not initiate the provision of special education and related services;
- (b) May not initiate the provision of special education and related services to the child;
- (c) Is not required to convene an IEP Team meeting or develop an IEP for the child;
- (d) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with special education and related services; and
- (e) May not use mediation or due process procedures consistent with this chapter to obtain agreement or a ruling that the services can be provided to the child.

3016.7 If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the LEA:

- (a) Shall provide prior written notice of the LEA’s intent to discontinue the provision of special education and related services;
- (b) May not continue the provision of special education and related services to the child;
- (c) Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services;
- (d) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with special education and related services; and
- (e) May not use mediation or due process procedures to obtain agreement or a ruling that the services can be provided to the child.

3017 INDIVIDUALIZED EDUCATION PROGRAM DEVELOPMENT

3017.1 The LEA shall ensure that the IEP Team completes its development of the initial IEP for a child with a disability within thirty (30) days of a determination that a child is eligible for special education and related services.

3017.2 The LEA shall provide school staff and related service providers with access to the completed IEP no later than five (5) business days after the date of the IEP Team meeting to develop the IEP.

3017.3 The LEA shall ensure that each teacher and provider described in § 3017.2 of this section is informed of:

- (a) His or her specific responsibilities related to implementing the child's IEP; and
- (b) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

3017.4 The LEA shall provide the child’s parent with the completed IEP as required by 3009.8.

3017.5 In developing an IEP for a child with a disability, the IEP Team shall consider and document:

- (a) The child’s strengths and needs;
- (b) The concerns of the parent for meeting the educational needs of the child;

- (c) The results of the most recent evaluation;
- (d) The academic, developmental, and functional needs of the child; and
- (e) The child's need for assistive technology devices and services.

3017.6 The LEA shall develop an IEP and provide special education and related services that are based upon the individual needs of the child and not upon the child's disability category.

3017.7 The IEP team shall develop an IEP that is reasonably calculated to enable the child to make progress that is appropriate in light of the child's circumstances.

3017.8 An IEP shall include:

- (a) A statement of the child's present levels of academic achievement and functional performance, including:
 - (1) How the child's disability affects the child's involvement and progress in the general education curriculum; or
 - (2) For preschool children, as appropriate, how the disability affects the child's participation in developmentally appropriate activities and environments;
- (b) A statement of measurable annual goals, including academic and functional goals designed to meet the child's needs that result from the child's disability to enable the child to be involved and make meaningful educational progress in the general education curriculum in light of the child's circumstances, and meet each of the child's other educational needs that result from the child's disability, including a description of:
 - (1) How the child's progress toward meeting the annual goals will be measured; and
 - (2) When periodic reports on the child's progress toward meeting the annual goals will be provided;
- (c) A description of benchmarks or short-term objectives for children with disabilities who take alternate assessments aligned to alternate achievement standards;
- (d) A statement of the special education and related services and supplementary aids and services, including assistive technology, to be provided to the child, and a statement of the program modifications or

supports for LEA personnel that will be provided to enable the child to do all of the following:

- (1) Advance appropriately toward attaining the annual goals;
 - (2) Be involved in and make meaningful educational progress in the general education curriculum, and to participate in other nonacademic activities and extracurricular; and
 - (3) Be educated and participate with other children with disabilities and children without disabilities in the activities described in this section;
- (e) An explanation of the extent, if any, to which the child will not participate with children without disabilities in the general education environment and in the activities described in Subsection (d);
- (f) A statement of any individual appropriate accommodations necessary to measure the academic achievement and functional performance of the child on statewide assessments or, if the IEP Team determines that the child shall take an alternate assessment, a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child; and
- (g) The projected date for the initial provision of services and modifications designated, and the anticipated frequency, location, and duration of those services and modifications.

3017.9 The IEP Team shall consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the language and communication needs, including:

- (a) Opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- (b) The LEA shall provide the necessary assistive technology devices and services to accommodate the student's language and communication needs.

3017.10 If the behavior of a child with a disability impedes the student's learning or the learning of other students, the IEP team shall consider the use of positive behavioral interventions and supports and other strategies to address that behavior and shall document which interventions were considered and selected.

- 3017.11 If a child with a disability is an English learner pursuant to 5-A DCMR Chapter 32:
- (a) The IEP Team shall consider the language needs of the child as those needs relate to the child's educational performance, IEP services, and IEP goals; and
 - (b) The LEA shall provide the individualized services and accommodations required by the student's IEP and the student's language instruction educational program.
- 3017.12 If a child is blind or visually impaired:
- (a) The LEA shall conduct an assessment of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs) in order to assess the student's need for instruction in Braille or the use of Braille;
 - (b) The IEP Team shall consider the results of the assessment to determine if the use of Braille is appropriate, and document such material needs in the child's IEP; and
 - (c) The LEA shall provide the necessary assistive technology devices and services to accommodate the child's vision-related needs.
- 3017.13 The IEP Team shall consider whether the child needs assistive technology devices and services not otherwise considered in accordance with this section.
- 3017.14 The general education teacher of a child with a disability, as a member of the IEP Team, shall assist in determining the supplementary aids and services, program modifications, or supports for school personnel that shall be provided for the child in conjunction with general education classroom placement.
- 3017.15 Except as required in § 3001.11(a), the LEA shall implement an IEP as soon as possible after the meeting where the IEP is developed or revised.
- 3018 INDIVIDUALIZED EDUCATION PROGRAM REVIEW AND REVISION**
- 3018.1 The LEA shall ensure that the IEP Team convenes to review the child's IEP at least once annually to determine whether the child is making progress toward the annual IEP goals and to consider whether the child continues to be eligible for special education.
- 3018.2 The IEP Team shall revise the IEP, as appropriate, to address:

- (a) Any lack of expected progress toward the annual IEP goals, including academic and functional goals designed to meet the child's needs and which enable the child to be involved in and make progress in the general education curriculum;
- (b) The results of any reevaluation conducted in accordance with § 3007;
- (c) Information about the child provided to or by the parent;
- (d) The child's anticipated needs; or
- (e) Other matters.

3019 INDIVIDUALIZED EDUCATION PROGRAM AMENDMENT

- 3019.1 Proposals to revise an IEP that occur after a child's annual IEP Team meeting for a school year, may be considered by the entire IEP Team at an IEP Team meeting or by the LEA and parent through documented written agreement, except that the LEA and parent may not agree in writing to revise the child's eligibility status, disability category, or placement to a more restrictive setting outside the LEA.
- 3019.2 When proposing to revise the types or amounts of special education or related services through documented written agreement, the LEA shall provide the parent with a written explanation supporting the proposed change including current data and, if relevant, input from the appropriate special education instructor or related service provider.
- 3019.3 A proposed revision through documented written agreement shall include signatures from both the LEA and the child's parent to execute the IEP amendment.
- 3019.4 If the LEA and parent agree to an amendment, the LEA shall provide the IEP Team with the amendment no later than five (5) business days after a meeting has occurred or documented written agreement has been executed to amend the IEP.
- 3019.5 The LEA shall provide the student's parent with a copy of the revised IEP with the amendments incorporated in accordance with § 3009.8.

3020 INDIVIDUALIZED EDUCATION PROGRAM IN EFFECT

- 3020.1 The LEA shall ensure that there is an IEP in effect for each enrolled child who has been determined eligible for special education and related services throughout the calendar year, including the summer months.
- 3020.2 For students who enroll in an LEA after the start of the LEA's school year, within five (5) school days of enrollment, the LEA shall send a written request for the

child's educational records to the child's previous LEA, including a request for all documentation pertaining to the referral for or provision of special education or related services to the child, that are not maintained in the state special education system of record or the state longitudinal education database including, but not limited to, disciplinary actions, course completion and credit accrual.

- 3020.3 The LEA shall respond to a request for educational records of a previously enrolled child by providing such records within ten (10) business days of the receipt of the request, even if the provision of such records necessitates the physical transfer of paper records.
- 3020.4 The child's new LEA shall ensure that any existing IEP or supporting special education documentation received from the child's parent or previous LEA is uploaded into the appropriate state-level data system within five (5) business days of receipt.
- 3020.5 The LEA, in consultation with the parent, shall make FAPE available to a child who transfers into the LEA in the form of comparable services, as follows:
- (a) Comparable services shall be provided as soon as possible, and all comparable service shall be in place no later than twenty (20) calendar days of the LEA's receipt of the child's existing IEP, IFSP, or services plan.
 - (b) The LEA shall provide the parent of a child with disabilities with prior written notice before the provision of comparable services.
 - (c) Comparable services means comparable to those described in the child's existing IEP from the prior LEA.
- 3020.6 The LEA is not required to provide special education and related services to the child, including comparable services, if it is unable to obtain the existing IEP after exercising and documenting reasonable efforts to obtain the child's educational records. However, if the LEA suspects that the child is a child with a disability, the LEA shall fulfill its Child Find responsibilities under § 3003 to evaluate the student to determine eligibility.
- 3020.7 For students who enroll in an LEA after the start of the LEA's school year, the LEA shall, upon enrollment, begin collecting and reviewing child-level data to assist in its determination of whether a transfer child's existing IEP is appropriate to meet the unique needs of the child.
- 3020.8 If a child transfers from an LEA outside of the District of Columbia, the new LEA shall determine whether it is necessary to conduct an evaluation to determine the child's eligibility under this chapter, as follows:

- (a) If the LEA determines it is not necessary to conduct an evaluation, the LEA shall document adoption of the child's existing eligibility within thirty (30) calendar days of enrollment; or
- (b) If the LEA determines it is necessary to conduct an evaluation, or if the LEA is unable to obtain the existing IEP or other necessary student records, the LEA shall:
 - (1) Make and document reasonable efforts, as defined in this chapter, to obtain parental consent within fifteen (15) calendar days from the date on which the child is referred for an initial evaluation;
 - (2) Conduct an evaluation and determine eligibility within sixty (60) calendar days within sixty (60) days from the date that the student's parent or guardian provides consent for the evaluation or assessment; and
 - (3) Develop an IEP within fifteen (15) calendar days of the eligibility determination.

3020.9 If a child transfers from an LEA within the District of Columbia, the new LEA shall determine whether to adopt the existing IEP or develop a new IEP within thirty (30) calendar days of enrollment, as follows

- (a) If the LEA determines that the existing IEP is appropriate, the LEA shall document adoption of the IEP within thirty (30) calendar days of enrollment; or
- (b) If the LEA determines that the existing IEP is not appropriate, the LEA shall develop and finalize a new IEP within sixty (60) calendar days of enrollment.

3020.10 The LEA may not adopt an existing IEP that is expired or will expire within thirty (30) calendar days of the child's enrollment.

3020.11 Upon receipt of an expired IEP, the LEA shall presume that the child remains a child with a disability unless it has record or documentation of a formal exit from special education, as follows:

- (a) The LEA shall request appropriate records, provide comparable services, and conduct an evaluation to ensure that the child receives appropriate services;
- (b) The LEA shall adhere to the procedures and timelines set forth in this chapter to determine whether the child continues to be a child with a disability and, if necessary, to develop an IEP for the child; and

- (c) If the child's IEP Team determines that the child is no longer eligible for services, the LEA shall complete all procedural and documentation requirements before ceasing the provision of comparable services and exiting the child from special education pursuant to § 3028.

3021 LEAST RESTRICTIVE ENVIRONMENT

- 3021.1 An LEA shall provide a student with a disability a free and appropriate public education in an appropriate special education placement in accordance with this chapter and IDEA; provided, that an LEA shall not remove a student with a disability from an age-appropriate classroom solely because of needed modifications in the general education curriculum.
- 3021.2 The LEA shall ensure that:
 - (a) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities; and
 - (b) Special classes, separate schooling, or other removal of children with disabilities from the general educational environment occurs only when the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily.
- 3021.3 The LEA shall provide and arrange for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, after-school activities and athletics, and other nonacademic and extracurricular services and activities in the least restrictive environment for children with disabilities to the same extent that it provides such services and activities for children without disabilities.
- 3021.4 The LEA shall ensure that all programs and services are considered in terms of the least restrictive environment for each child with a disability, starting with the general education classroom as the first environment for consideration.
- 3021.5 In determining the least restrictive environment for a child, the LEA shall consider any potential harmful effect of the level of restrictiveness on the child or on the quality of services that the child needs.
- 3021.6 The IEP Team shall justify and document on the IEP the extent to which the child will not participate in the general education classroom, the general education curriculum, or extracurricular or other nonacademic activities, and indicate the percentage of time spent outside of the general education environment, as well as placement in separate schools or facilities.

3022 PLACEMENT DETERMINATION

- 3022.1 The LEA shall ensure that the determination of the appropriate educational placement for a child with a disability is:
- (a) Based on the child's current level of need as documented in the child's IEP;
 - (b) Reviewed and determined annually by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the continuum of alternative placement options; and
 - (c) Made in conformity with the least restrictive environment provisions of § 3021, including that the LEA shall provide supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with a general education classroom placement, in accordance with the child's IEP.
- 3022.2 The LEA shall determine the child's placement based upon the child's needs, regardless of existing placement options, services, staff or space that exists at the time.
- 3022.3 The LEA shall not determine a child's placement based solely on additional costs or administrative inconvenience that would result from educating the child within the general education classroom.
- 3022.4 A child with a disability shall be educated in the school that the child would attend if the child did not have a disability unless the severity of the child's disability warrants a more restrictive placement.

3023 HOMEBOUND SERVICES AND HOSPITAL INSTRUCTION (NOT REQUIRED FOR FAPE)

- 3023.1 Homebound services and hospital instruction are education services that an LEA may provide to a child with a disability who is unable to attend school due to an illness or injury.
- 3023.2 Unless the IEP team has otherwise determined that a child with a disability requires home instruction under § 3024 in order to receive FAPE, the LEA shall provide homebound services and hospital instruction to children with disabilities to the same extent that it provides such services to children without disabilities.
- 3023.3 If a child with a disability requires homebound or hospital instruction services for an extended period of time because of a medical or mental health condition, the

LEA shall convene an IEP team meeting is convened to modify the placement and IEP of a child with a disability, if warranted.

3023.4 The LEA shall develop a written policy regarding eligibility for and provision of homebound services and hospital instruction to children with disabilities, and may include a requirement for documentation of the need for such services from a medical professional.

3023.5 The LEA shall ensure that children with disabilities receiving homebound services receive timely notice of extracurricular activities and are permitted to participate in extracurricular activities to the extent they are able to do so.

3024 HOME AND HOSPITAL INSTRUCTION (REQUIRED FOR FAPE)

3024.1 Home instruction is a placement provided to a child with a disability if the IEP Team determines that the child cannot receive educational benefit in a less restrictive setting.

3024.2 A child with a disability may be placed in home instruction only if the IEP team determines that the child cannot receive an educational benefit in a less restrictive setting.

3024.3 The IEP Team shall document in the child's IEP:

- (a) The determination of placement in home instruction; and
- (b) The type of educational services to be provided in the home, based on the child's needs.

3024.4 The LEA shall ensure that children with disabilities placed in home instruction receive timely notice of extracurricular activities and are permitted to participate in extracurricular activities to the extent they are able to do so.

3025 PLACEMENT OUTSIDE OF THE LEA

3025.1 If an LEA anticipates that it may be unable to provide a child with a disability with an appropriate special education placement in accordance with the IDEA and other applicable laws or regulations, the LEA shall notify the SEA in writing.

3025.2 Prior to submitting a written request to the SEA for placement outside of the LEA, the IEP Team shall consider the appropriateness of the child's IEP and the appropriateness of the LEA's delivery of services to the child in placements within the LEA.

- 3025.3 The LEA shall submit a written request to the SEA with required supporting documentation and child-level data, in accordance with state-established procedures.
- 3025.4 The SEA shall conduct its review of a complete written request within thirty (30) business days of submission, unless one of the following occurs:
- (a) The LEA submits a written request for expedited review of the placement request to the SEA; or
 - (b) In the event of extenuating circumstances and with notice to the LEA and parent, the SEA review of a written request may be extended for additional periods of fifteen (15) business days.
- 3025.5 After review of all supporting documentation from the LEA and meeting to discuss a possible placement outside of the LEA, the SEA representative shall make a recommendation indicating whether a placement outside the LEA is warranted, as follows:
- (a) The SEA representative shall make a verbal recommendation at the conclusion of the meeting to discuss the proposed change in placement;
 - (b) The group of persons identified in § 3022.1(b) remains responsible for selecting the appropriate educational placement of the child; and
 - (c) Following the meeting to discuss the proposed change in placement, the SEA shall issue a written memorandum documenting its recommendation.
- 3025.6 If the group of persons identified in § 3022.1(b) decides to proceed with placement outside the LEA, the SEA shall issue a location assignment within fifteen (15) business days of the decision. The SEA shall assess the child's need and ensure that the location selected is able to implement the child's IEP.
- 3025.7 If the SEA is unable to issue a location assignment within fifteen (15) business days due to extenuating circumstances, the SEA shall provide notice to the parent and the LEA describing the circumstances and establishing an extended timeline for issuance of a location assignment.
- 3025.8 The SEA shall not issue a location assignment for a nonpublic special education school or program that:
- (a) Is unable to implement the child's IEP or meet the unique needs of the child;

- (b) Does not hold a current certificate of approval, issued by the SEA in accordance with D.C. Official Code § 38-2561.07 and applicable regulations, to serve children with disabilities from the District;
- (c) Holds a current certificate of approval but is not authorized to serve the child's age, grade, or disability;
- (d) Requires all children to attend extended school year programming regardless of need or as a condition of enrollment; or
- (e) Requires all children to attend programming that is offered outside the time frame of the regular instructional day and is not included in the school or program's per diem educational rate approved by the SEA.

3025.9 Consistent with D.C. Official Code § 38-2561.03, unless the placement of a child has been ordered by a District of Columbia Court, federal court, or impartial hearing officer pursuant to IDEA and D.C. Official Code § 38-2561.03(b)(2), no child whose education is funded by the District of Columbia government shall be placed in a nonpublic special education school or program that:

- (a) Allows the use of aversive intervention in its policy or practice; or
- (b) Has not received and maintained a certificate of approval in accordance with D.C. Official Code § 38-2561.03 and applicable regulations.

3025.10 SEA decisions regarding a child's location of services shall give preference to appropriate special education schools or providers located in the District of Columbia; provided that the placement is appropriate for the child and made in accordance with the IDEA, local law, and this chapter. Location assignments shall be made in the following order of priority:

- (a) Private or residential facility located in the District of Columbia; or
- (b) Facility located outside the District of Columbia.

3025.11 The group of people determining the educational placement of a child with a disability shall ensure that the child's placement is determined annually, is based on the child's IEP and is located as closely as possible to the child's home.

3025.12 The LEA shall submit to the SEA a request for a change in location assignment from one nonpublic special education school or program to another nonpublic special education school or program. The SEA shall issue a location assignment in accordance with state-established procedures.

3025.13 A request from the LEA for a change in placement from a nonpublic placement to a more restrictive nonpublic placement, such as a residential or psychiatric

residential treatment facility, shall be submitted through the SEA's procedures for placement outside of the LEA in accordance with this Section.

- 3025.14 A recommendation for a special education placement at a residential treatment facility shall assure that priority is given to a facility that:
- (a) Meets the District of Columbia Department of Health Care Finance (DHCF) requirements for a Psychiatric Residential Treatment Facility (PRTF), consistent with 29 DCMR § 948; and
 - (b) Is located in the District of Columbia.
- 3025.15 If a PRTF placement within the District of Columbia is not deemed to be appropriate for a child, the appropriate PRTF selected outside of the District of Columbia shall be located at a distance as close as possible to the child's home.
- 3025.16 If a child's placement is made at a residential treatment facility, the LEA shall obtain parental consent authorizing the LEA to contact:
- (a) The District of Columbia Department of Behavioral Health (DBH) to determine whether the child qualifies for a certification that admission to a PRTF is medically necessary; and
 - (b) DHCF to determine whether the child is eligible or entitled to receive Medicaid benefits.
- 3025.17 If a child's placement is made at a residential treatment facility that does not meet DHCF requirements for classification as a PRTF consistent with 29 DCMR § 948, a decision for location assignment shall first give preference to an appropriate residential treatment facility located in the District of Columbia; and if an appropriate facility cannot be found within the District of Columbia, the residential facility selected for the child shall be located at a distance as close as possible to the child's home.
- 3025.18 The SEA shall be responsible for paying the costs of education, including special education and related services, of a child with a disability when the child is placed at a nonpublic special education school or program pursuant to this Section; provided, that, in conformity with IDEA, the SEA shall not be responsible for paying the cost of education, including special education and related services, of a child with a disability who attends a nonpublic special education school or program if:
- (a) An LEA made FAPE available to the child; and
 - (b) The child's parent or guardian elected to place the child in a nonpublic special education school or program.

- 3025.19 A child with a disability who is placed at a nonpublic special education school or program shall remain enrolled in and is the responsibility of the LEA, unless and until the parent enrolls the child in another LEA.
- 3025.20 When a child with a disability enrolled in an LEA is placed in a nonpublic special education school pursuant to this Section, the LEA shall:
- (a) Ensure that the child participates in statewide assessments in accordance with procedures and guidelines issued by the SEA;
 - (b) Transition the child with a disability back to the lesser restrictive environment as soon as practicable;
 - (c) At all times while the child with a disability is placed at the nonpublic school, maintain the capacity to serve the child at the LEA (*i.e.*, hold an open seat for the child) unless and until the child's parent enrolls the child in another LEA;
 - (d) Continue to monitor each child's academic and social-emotional progress at the nonpublic school; and
 - (e) Remain responsible for compliance with IDEA and local requirements for a child placed into a nonpublic school.
- 3025.21 During the school year in which a child with a disability placed in a nonpublic school will exceed the maximum age or grade for children served by the LEA as specified in its charter, the LEA shall:
- (1) Provide written notification to the parent of their responsibility to enroll the child at another LEA; and
 - (2) Provide such notification before December 31 of the school year.
- 3025.22 Pursuant to 34 CFR § 300.208, any LEA may use its IDEA Part B funding to establish and implement cost or risk sharing funds, consortia, or cooperatives working in a consortium with other LEAs to pay for high cost special education and related services.

3026 SECONDARY TRANSITION

- 3026.1 The first IEP in effect after a child with a disability reaches fourteen (14) years of age, which shall be updated annually thereafter, shall include transition assessments and services, including:

- (a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills and the transition services needed to assist the child in reaching those goals;
- (b) For children with disabilities covered by this section and attending middle school, at least one (1) goal shall address readiness for and transition to high school;
- (c) A statement of inter-agency responsibilities or any needed linkages before the child leaves the school setting; and
- (d) If the IEP team determines that transition services are not needed, the IEP shall include a statement to that effect and the basis upon which the determination was made.

3026.2 The requirements in this section shall not apply to children with disabilities who are convicted as adults under District of Columbia law and incarcerated in adult prisons whose eligibility under Part B of IDEA will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

3026.3 The LEA shall invite a child with a disability to attend his or her IEP Team meeting if a purpose of the meeting will be the consideration of postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, and the LEA shall take other steps to ensure that the child's preferences and interests are considered if the child does not attend the IEP Team meeting.

3026.4 To the extent appropriate and with the consent of the parent or a child who has reached the age of eighteen (18) years old, the LEA shall invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services, to an IEP Team meeting if a purpose of the meeting will be the consideration of postsecondary goals for the child and the transition services are needed to assist the child in reaching those goals, as follows:

- (a) If a participating agency notifies the LEA in advance that it will not be able to attend the meeting, the LEA shall obtain information from the agency necessary for the specific transition services to be included in the IEP; and
- (b) If a participating agency, other than the LEA, fails to provide the transition services described in the IEP, the LEA shall reconvene the IEP Team to identify alternative strategies to meet the transition goals for the child specified in the IEP.

- 3026.5 In accordance with 5-A DCMR Chapter 22 beginning with the ninth grade year, the child's course of study shall include a graduation plan that is reviewed annually and modified, when necessary, to reflect the child's changing needs, interests, and performance.
- 3026.6 The LEA shall make available a course of study that affords all children, including those children with significant disabilities, an opportunity to earn a regular high school diploma.
- 3026.7 An IEP Team's decision to alter the child's course of study to an IEP Certificate of Completion shall be justified by child-level performance data and documented in the child's IEP, shall include the following:
- (a) The LEA shall provide the parents and child with written notification that the IEP Team has determined that the child will be placed on an IEP Certificate of Completion course of study;
 - (b) With the written notification to the parents and child, the LEA shall provide accessible information about the differences between a regular high school diploma and an IEP Certificate of Completion course of study;
 - (c) The LEA shall provide an annual progress report to the parent that includes the child's completed coursework and clearly indicates that the child is on an IEP Certificate of Completion course of study; and
 - (d) When appropriate, an IEP Team shall consider changing the child's course of study from an IEP Certificate of Completion course of study to a regular high school diploma course of study and, in such cases, the LEA shall provide the child with access to the appropriate coursework required to earn a regular high school diploma, with modifications if necessary, until the end of the semester in which the child turns twenty-two (22) years old.
- 3026.8 Not later than one year before a child with a disability's anticipated high school graduation or attainment of a IEP Certificate of Completion, the IEP team shall identify which adult services might be appropriate for the child and, in consultation with the appropriate District of Columbia agency when feasible, what evaluations should occur to determine the child's eligibility for those services; provided, that nothing in this Section shall be construed to impose any obligation on an LEA to conduct evaluations to determine eligibility for adult services.
- 3026.9 Beginning at least one (1) year before a child with a disability reaches the age of eighteen (18), his or her IEP shall include a statement that the child has been informed of his or her rights under Part B of the IDEA that will transfer to the child on reaching the age of eighteen (18), unless the child has been determined to

be incompetent under District of Columbia law or the child has been certified as unable to provide informed consent pursuant to §§ 3036 through 3038.

3027 IEP CERTIFICATE OF COMPLETION FOR SPECIAL EDUCATION

3027.1 The LEA shall develop, publish, and maintain a uniform IEP Certificate of Completion policy establishing:

- (a) Minimum credit unit requirements in all of the following content areas:
 - (1) English Language Arts;
 - (2) Mathematics;
 - (3) Life Science/ Physical Science; and
 - (4) History/ Social Studies.
- (b) Requirements related to community service hours;
- (c) Requirements related to completion of the student's IEP goals, as determined by the IEP Team; and
- (d) Any other LEA requirements.

3027.2 If an LEA does not develop and publish a uniform IEP Certificate of Completion policy by July 1, 2021, the following requirements shall apply:

- (a) Completion of a minimum of fourteen (14) unit credits including minimum units in the following content areas:
 - (1) Two (2) units of English Language Arts;
 - (2) Two (2) units of Mathematics;
 - (3) Two (2) units of Life Science/Physical Science; and
 - (4) Two (2) units of History/Social Studies;
- (b) Satisfactory completion of community service hours, as determined by the IEP team; and
- (c) Satisfactory completion of the student's IEP goals, as determined by the IEP Team.

- 3027.3 The LEA's IEP Certificate of Completion policy in effect when a student enters the ninth (9th) grade shall apply until the student obtains an IEP Certificate Completion or is no longer eligible for special education.
- 3027.4 In accordance with 5-A DCMR § 2203.8, the decision to pursue a program leading to an IEP Certificate of Completion shall be made by the IEP team including the parent, and where possible, the student. The decision shall be made no earlier than the ninth (9th) grade and documented in the student's IEP.
- 3027.5 A student shall not be eligible to pursue an IEP Certificate of Completion if:
- (a) The student is age twenty (20) or younger and is five (5) credits or fewer away from earning a regular high school diploma;
 - (b) The student has satisfactorily completed all coursework required to earn a regular high school diploma, but has not met requirements related to community service hours; or
 - (c) The student has the ability to earn a regular high school diploma by age twenty-two (22).
- 3027.6 A student with an IEP, who successfully earns an IEP Certificate of Completion issued by the LEA, shall be allowed to participate fully in graduation exercises or ceremonies as conducted by the LEA.
- 3027.7 The LEA is responsible for making FAPE available to a student who earns an IEP Certificate of Completion until the student receives a regular high school diploma or until the end of the semester in which the student turns twenty-two (22) years old, whichever occurs first.
- 3027.8 If a student earns an IEP Certificate of Completion prior to the semester in which the student turns twenty-two (22) years old, the LEA shall inform the student in writing that the student remains eligible to receive FAPE until the student receives a regular high school diploma or until the end of the semester in which the student turns twenty-two (22) years old, whichever occurs first.

3028 EXIT FROM SPECIAL EDUCATION

- 3028.1 The LEA is responsible for developing and implementing a child's IEP, including all associated procedural and documentation requirements, until the child:
- (a) Is determined to no longer be a child with a disability; or
 - (b) Receives a regular high school diploma.

- 3028.2 The LEA shall evaluate a child with a disability in accordance with this chapter before determining that the child is no longer a child with a disability, except that an evaluation is not required if the child's entitlement to receive special education services is terminated due to the child receiving a regular high school diploma or due to the child exceeding twenty-two (22) years of age.
- 3028.3 The LEA shall provide the parent, or child if over eighteen (18) years old and to whom educational rights have transferred, with prior written notice of the discontinuation of special education services.
- (a) The prior written notice shall be provided:
- (1) Prior to the completion of the last semester of school in which the child with an IEP is expected to obtain a regular high school diploma.
- (2) Prior to the completion of the semester of school during which the child turned twenty-two (22) years old.
- (b) The prior written notice shall clearly state that the child will no longer be entitled to receive special education and related services from the LEA.
- 3028.4 The LEA shall continue to make available special education and related services to a child with a disability who has not earned a regular high school diploma in accordance with the child's IEP, until the end of the semester that the child turns twenty-two (22) years old.
- 3028.5 The LEA shall provide the child with a summary of performance at no cost, in accordance with this section no later than sixty (60) calendar days prior to termination of the child's special education and related services due to obtaining a regular high school diploma or completion of the semester that the child turns twenty-two (22) years old.
- 3028.6 The summary of performance required in this section shall include:
- (a) A summary of the child's academic achievement,
- (b) A summary of the child's functional performance; and
- (c) Recommendations on how to assist the child in meeting the child's postsecondary goals.

3029 SYSTEM OF RECORD

- 3029.1 The LEA shall fully utilize designated state-level special education data systems to maintain and update student records and data associated with the

implementation of the IDEA, this chapter, and any related federal and local reporting responsibilities and to access reporting and other functions to monitor overall LEA progress and compliance.

- 3029.2 The LEA shall update a student's record or upload appropriate documentation in designated State-level special education data systems no later than five (5) business days after a change.

3030 CONFIDENTIALITY OF EDUCATION RECORDS

- 3030.1 In accordance with the confidentiality procedures of the IDEA and the Family Educational Rights and Privacy Act (FERPA), the parent of a child with a disability shall be given the opportunity to inspect, review, and to copy, at no cost to the parent, all of the child's records relating to the identification, evaluation, and educational placement, and the provision of FAPE.

- 3030.2 The LEA shall ensure the confidentiality of personally identifiable information in accordance with the IDEA and FERPA.

- 3030.3 The LEA shall develop a process, including an opportunity for a hearing, for a parent to correct information in a child's record as follows:

- (a) A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the LEA that maintains the information to amend the information;
- (b) The LEA shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request; and
- (c) If the LEA decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a hearing under 34 CFR § 300.619.

3031 PARAPROFESSIONALS

- 3031.1 The LEA shall ensure each paraprofessional or aide is sufficiently supervised by a certified or licensed teacher, related services provider, or other qualified personnel responsible for implementing the special education and related services designated in a child's IEP.

- 3031.2 Instructional support services designated in a child's IEP shall be provided by an paraprofessional who meets the employment requirements of the LEA and possesses the education, training, or experience required to instruct children with disabilities in the content areas identified in the child's IEP, verified by:

- (a) Completion of a post-secondary degree, to include at minimum an associate's degree, in education or a related field; or
- (b) Attainment of a high school diploma, GED, or other equivalency recognized by the District or LEA and completion of one (1) school year of classroom experience, either in a teaching capacity or teacher support capacity.

3031.3 Behavioral support services designated in a child's IEP may be provided by a paraprofessional who meets the employment requirements of the LEA and possesses the education, training, or experience required to provide behavioral support services to children with disabilities, verified by:

- (a) Completion of a post-secondary degree, to include at minimum an associate's degree, in education, child development, or a related field; or
- (b) Attainment of a high school diploma, GED, or other equivalency recognized by the District or LEA and completion of one (1) school year of classroom experience in behavioral management, including experience in any of the following:
 - (1) Implementing the requirements of a Behavior Intervention Plan (BIP);
 - (2) Utilizing positive behavioral intervention strategies (PBIS); or
 - (3) Employing non-violent crisis intervention de-escalation techniques.

3031.4 Health support services designated in a child's IEP shall be provided by a paraprofessional who meets the employment requirements of the LEA and possesses the appropriate education, training, or experience directly related to providing health or medical services to children with disabilities, verified through at least one (1) of the following:

- (a) Completion of a post-secondary degree, to include at minimum an associate's degree, in health services, nursing, or a related field; or
- (b) Completion of one (1) year of work experience providing health services in a school or medical setting.

3032 PARENTAL CONSENT

3032.1 The LEA shall obtain parental consent before:

- (a) Conducting an initial evaluation of a child to determine if a child qualifies as a child with a disability;
- (b) The initial provision of special education and related services to a child;
- (c) Conducting a reevaluation of a child with a disability; or
- (d) Disclosing the child's personally identifiable information unless the information is contained in educational records and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act.

3032.2 The LEA shall make and document reasonable efforts, as defined in this chapter, to obtain parental consent.

3032.3 Parental consent may be revoked at any time, as follows:

- (a) Revocation shall be provided in writing.
- (b) If a parent revokes consent, that revocation is not retroactive and does not negate an action that has occurred after the consent was given and before the consent was revoked.

3033 PRIOR WRITTEN NOTICE

3033.1 The LEA shall provide written notice to the parent of a child with a disability a reasonable time before the LEA:

- (a) Proposes to initiate or change the identification, evaluation, educational placement, including the service location of the educational placement, or the provision of FAPE to the child; or
- (b) Refuses to initiate or change the identification, evaluation, educational placement, including the service location of the educational placement, or the provision of FAPE to the child.

3033.2 Prior written notice shall include the following:

- (a) A description of the action the LEA is proposing or refusing to take;
- (b) An explanation of why the LEA proposes or refuses to take the action;
- (c) A description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action;

- (d) A statement that the parent of a child with a disability has protection under the procedural safeguards of the IDEA and this chapter and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- (e) Sources for the parent to contact to obtain assistance in understanding the provisions of the IDEA and this chapter, including:
 - (1) Parent Training and Information Center established pursuant to Section 671 of IDEA (20 USC § 1471);
 - (2) Office of the Ombudsman for Public Education (D.C. Official Code §§ 38-351 *et seq.*); and
 - (3) Office of the Student Advocate (D.C. Official Code §§ 38-371 *et seq.*);
- (f) A description of other options that the IEP Team considered and the reasons why those options were rejected; and
- (g) If applicable, a description of other factors relevant to the LEA's proposal or refusal.

3033.3

Prior written notice shall be:

- (a) Written in language understandable to the general public;
- (b) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so; and
- (c) If the native language or other mode of communication of the parent is not a written language, the LEA shall take steps to ensure all of the following:
 - (1) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (2) The parent understands the content of the notice; and
 - (3) There is written evidence that the requirements of this paragraph have been met.

3034 PROCEDURAL SAFEGUARDS

- 3034.1 Each LEA shall establish, maintain, and implement procedural safeguards that meet the requirements of the IDEA and this chapter, or adopt the procedural safeguards established by the State.
- 3034.2 The LEA shall provide a copy of the procedural safeguards notice to the parent of a child with a disability:
- (a) At least one (1) time per school year; and
 - (b) In a manner that meets the requirements of § 3033.3.
- 3034.3 The procedural safeguards notice shall include a full explanation of all of the procedural safeguards available under the IDEA and this chapter relating to:
- (a) Independent educational evaluations;
 - (b) Prior written notice;
 - (c) Parental consent;
 - (d) Access to education records;
 - (e) Opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including:
 - (1) The time period in which to file a complaint;
 - (2) The opportunity for the agency to resolve the complaint; and
 - (3) The difference between the due process complaint and the State complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;
 - (f) The availability of mediation;
 - (g) The child's placement during the pendency of any due process complaint;
 - (h) Procedures for children who are subject to placement in an interim alternative educational setting;
 - (i) Requirements for unilateral placement by parents of children in private schools at public expense;

- (j) Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
- (k) State-level appeals, if applicable;
- (l) Civil actions, including the time period in which to file those actions; and
- (m) Attorney fees.

3034.4 The LEA shall also provide a copy of the procedural safeguard notice to the parent under each of the following circumstances:

- (a) Upon receipt of initial referral or parent request for evaluation;
- (b) Upon receipt of the first State complaint and upon receipt of the first due process complaint in a school year;
- (c) In accordance with the discipline procedures in § 3044; and
- (d) Upon request by a parent.

3034.5 The LEA may place a current copy of the procedural safeguards notice on its website.

3035 EDUCATIONAL SURROGATE PARENT

3035.1 The LEA shall ensure the rights of a child with a suspected or identified disability are protected by requesting that the SEA appoint an educational surrogate parent in any of the following situations:

- (a) A parent, as defined in this chapter, cannot be identified;
- (b) The LEA, after documented reasonable efforts, cannot determine the location of a parent;
- (c) The child with a suspected or identified disability is in the custody of the District of Columbia Child and Family Services Agency and may need an educational surrogate parent; or
- (d) The child is an unaccompanied homeless youth as defined in Section 725(6) of the McKinney-Vento Homeless Assistance Act (42 USC § 11434a(6)).

3035.2 The LEA shall notify the SEA of any child who may be in need of an educational surrogate parent.

- 3035.3 Upon receiving notice, the SEA is responsible for determining whether a child needs an educational surrogate parent, and for assigning an educational surrogate parent. If the child is in the custody of the District of Columbia Child and Family Services Agency the surrogate parent alternatively may be appointed by the judge overseeing the child's case.
- 3035.4 The SEA shall make reasonable efforts to assign an educational surrogate parent no later than thirty (30) calendar days after a determination that the child needs an educational surrogate parent.
- 3035.5 An educational surrogate parent assigned by the SEA shall meet all of the following requirements:
- (a) The educational surrogate parent shall have the knowledge and skills necessary for adequate representation of the child and shall attend at least one (1) SEA-required training;
 - (b) The educational surrogate parent shall not be employed by the SEA, LEA, or any other public or private agency organization that is involved in the education or care of the child; and
 - (c) The educational surrogate parent shall have no personal or professional interest that conflicts with the interest of the child represented, including serving as the child's guardian ad litem in a court proceeding.
- 3035.6 The educational surrogate parent may represent the child in all matters relating to:
- (a) The identification, evaluation, and educational placement of the child; and
 - (b) The provision of FAPE to the child.
- 3035.7 If a child is an unaccompanied homeless youth, the SEA may, in its discretion, temporarily appoint appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs without regard to other requirements of this section, until the SEA may appoint an educational surrogate parent who meets all of the requirements of this Section.
- 3035.8 An educational surrogate parent appointed by a judge overseeing the case of a child in the custody of the District of Columbia Child and Family Services Agency shall be recognized by the SEA and the LEA provided that the individual is identified as an educational surrogate parent under IDEA or that the responsibility and authority granted to the individual specifically includes the authority to make decisions regarding special education.
- 3035.9 Unless a court order specifies otherwise, an educational surrogate parent appointed by a judge may represent the child in all matters relating to

identification, evaluation, educational placement, and the provision of FAPE to the child.

3036 TRANSFER OF RIGHTS: GENERAL PROVISIONS AND SUPPORTED DECISION-MAKING

3036.1 In accordance with D.C. Official Code § 46–101 and IDEA, a child with a disability (or student) who has reached the age of eighteen (18) shall be presumed to be competent, and all rights under IDEA and local law governing the delivery of special education and related services shall transfer to the student, unless one of the exceptions in § 3037.1 is met.

3036.2 Any student who has reached eighteen (18) years of age and to whom all rights afforded parents under IDEA have transferred may voluntarily choose to receive support from his or her parents, family members, or other willing adults to aid the student with educational decision-making. The student’s decisional choice shall prevail any time that a disagreement exists between the student and the other adult providing support in this manner and the student may withdraw his or her decision to receive support at any time.

3036.3 Supported decision-making arrangements shall be documented in writing and include the name, contact information, relationship to the student, and the extent to which the student grants the identified adult access to his or her education records pursuant to District and federal law. The student may change this arrangement, revoke access, or both, to education records at any time.

3037 TRANSFER OF RIGHTS: EXCEPTIONS

3037.1 In accordance with D.C. Official Code § 46–101 and the IDEA, all rights accorded to parents under IDEA and local law governing the delivery of special education and related services shall transfer to the child with a disability at the age of eighteen (18), unless one of the following exceptions is met:

- (a) The student is declared a legally incapacitated individual, as defined in this chapter, by a court of competent jurisdiction and a legal guardian or representative has been appointed by the court to make decisions for the student, including educational decisions.
- (b) The student has designated by power of attorney or similar legal document another adult to be the student’s agent to:
 - (1) Make educational decisions;
 - (2) Receive notices; and

(3) Participate in meetings and all other procedures related to the student's educational program.

(c) The student has been determined, in accordance with Subsection 3037.8, to not have the ability to provide informed consent regarding educational decisions and another adult has been appointed by the SEA to represent the educational interests of the student.

3037.2 An adult student who has executed a power of attorney or similar legal document transferring his or her right to make educational decisions to another to be his or her agent in accordance with § 3037.1(b) may terminate the power of attorney at any time and assume the right to make decisions regarding his or her education. An LEA or responsible public agency shall keep a copy of any written power of attorney in the student's special education record and shall rely on it until the power of attorney has been revoked by the student in writing or the power of attorney has been superseded by a court order.

3037.3 The SEA shall appoint an educational representative for a student who has reached the age of eighteen (18) only after the following documents have been submitted:

(a) A written request for the appointment of an educational representative signed by the parent, legal guardian, or other interested adult, and made on an SEA-issued form available on the SEA website or, upon request, in hard copy; and

(b) Two signed professional certifications that meet all of the requirements of this Section.

3037.4 Appointment of an educational representative should be sought only where necessary and where supported decision-making is not appropriate.

3037.5 The SEA will provide written confirmation that all submission requirements have been met and, absent extenuating circumstances, will appoint an educational representative within ten (10) business days of the SEA's receipt of a complete written request with all required information and certifications. A written request shall not be considered complete unless all requested information has been provided in the required manner.

3037.6 The professional certifications shall be completed by two different licensed professionals, one (1) meeting the requirements of (a) and one (1) meeting the requirements of (b):

(a) A licensed professional who is any of the following:

(1) Licensed medical doctor;

- (2) Physician assistant, if authorized by a supervising licensed medical doctor; or
 - (3) Certified nurse practitioner.
- (b) A licensed professional who is any of the following:
- (1) Licensed medical doctor;
 - (2) Licensed psychiatrist;
 - (3) Clinical psychologist; or
 - (4) Licensed independent clinical social worker.

3037.7 The professional certifications shall meet the following requirements:

- (a) The professional has conducted a personal examination of or interview with the student within one (1) calendar year of the certification;
- (b) Based on the professional's knowledge and expertise and upon clear evidence, the professional determined that the student is unable to provide informed consent regarding educational decisions as described in this Section provided, however, that a finding that the student is unable to make educational decisions shall not be based solely on the fact that the student has been voluntarily or involuntarily hospitalized for a mental illness or has a diagnosis of an intellectual disability;
- (c) The professional has informed the student of the determination in writing, and verbally or in the manner of communication with which the student is most comfortable; and
- (d) Confirmation that the professional is not employed by the LEA or responsible public agency currently serving the student and does not have a personal conflict of interest with the student or the adult seeking appointment as the student's educational representative. A personal conflict of interest includes, without limitation, being related by blood or marriage to the student or adult seeking appointment as the educational representative.

3037.8 A student shall be deemed unable to provide informed consent regarding educational decisions if two (2) qualified professionals each independently determine at least one (1) of the following:

- (a) The student is unable to understand, on a continuing or consistent basis, the nature, extent, and probable consequences of an educational decision or proposed educational program;
- (b) The student is unable to evaluate the benefits or disadvantages of an educational decision or a proposed educational program as compared with alternative options on a continuing or consistent basis; or
- (c) The student is unable to communicate understanding verbally, in writing, or in the mode of communication used by the student to communicate his or her decisions, an understanding of or an evaluation of the benefits or disadvantages of an educational decision or proposed educational program.

3037.9 Professional certifications may be submitted as early as ninety (90) calendar days prior to the student's eighteenth (18th) birthday but shall not be reviewed by the SEA until all documentation requirements have been met, and shall not take effect prior to the student's eighteenth (18th) birthday.

3037.10 Upon confirming receipt of the required professional certifications, the SEA shall appoint the parent of the student to act as the student's educational representative. For a student who has already reached the age of eighteen (18), parent means the individual who acted as the parent for purposes of special education before the student reached age eighteen (18). If the parent is unavailable or does not wish to serve as the student's educational representative, the SEA, with notice to the parent or legal guardian seeking the certification, shall appoint another adult relative willing to act as the student's educational representative. If no adult relative is available to serve as the student's educational representative, the SEA, with notice to the parent or legal guardian seeking the certification, shall appoint a person trained as an educational surrogate parent to serve as the student's educational representative.

3037.11 The term of appointment for an educational representative shall expire when the student is no longer eligible for special education services, or graduates with a regular high school diploma, whichever occurs first.

3037.12 A determination that a student is unable to provide informed consent for educational purposes shall not be construed as a finding of incompetence or incapacity for any other purpose or as relevant or precedential evidence in any future court or legal action seeking to remove decision-making authority for the student.

3037.13 The SEA shall provide notice of the appointment to the educational representative, parent, student, and LEA or responsible public agency. The notice shall include the steps a student may take to challenge the appointment of an educational representative and shall direct the student's LEA or responsible public

agency to deliver a hard copy of the appointment to the student and to inform the student of the appointment verbally, or in the manner of communication with which the student is most comfortable.

3037.14 The student may challenge the certification of the student as unable to provide informed consent for educational purposes or appointment of an educational representative in accordance with this Section at any time, in accordance with the following requirements:

- (a) A challenge made under this Section shall be made in writing to the SEA, except that the SEA shall assist a student who is unable to provide a written challenge to document a verbal challenge in writing and may refer the student to a community organization for assistance.
- (b) The SEA shall notify the student, the responsible LEA or public agency, any current appointed educational representative, and the person who submitted the request for the appointment of an educational representative (if different), of any such challenge in writing no later than two (2) business days from the receipt of the challenge.

3037.15 If the certification of a student is challenged by the student, the existing certification is invalidated, and all educational rights transfer back to the student.

3038 TRANSFER OF RIGHTS: NOTICE

3038.1 No later than one (1) year before a child with a disability reaches eighteen (18) years of age, the LEA or responsible public agency shall notify the parent and child with a disability , in writing, that adult students with disabilities are presumed competent, and that all rights under IDEA will transfer to the child with a disability when he or she reaches eighteen (18) years of age, unless the child with a disability or parent pursues one of the exceptions described in § 3037.1. The notice shall also describe the supported decision-making provisions of § 3037 and the necessary procedures to pursue the exceptions described in § 3037 related to educational decisions.

3039 INDEPENDENT EDUCATIONAL EVALUATIONS

3039.1 The LEA shall provide to the parent, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and the LEA criteria applicable for independent educational evaluations, as follows:

- (a) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria that the LEA uses when it initiates an evaluation, to the extent

those criteria are consistent with the parent's right to an independent educational evaluation; and

- (b) Except for the criteria described in this section, the LEA may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

3039.2 A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the LEA, subject to the following conditions:

- (a) If the parent requests an independent educational evaluation at public expense, the LEA shall, without unnecessary delay, either:
 - (1) File a due process complaint to request a hearing to show that its evaluation is appropriate; or
 - (2) Ensure that an independent educational evaluation is provided at public expense, unless the LEA demonstrates in a hearing in accordance with IDEA and this chapter that the evaluation obtained by the parent did not meet the LEA's criteria;
- (b) If the LEA files a due process complaint notice to request a hearing and the final decision is that the LEA's evaluation is appropriate, the parent maintains the right to an independent educational evaluation, but not at public expense; and
- (c) If the parent requests an independent educational evaluation, the LEA may request the parent's reason for objecting to the LEA's evaluation, but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

3039.3 A parent is entitled to one (1) independent educational evaluation at public expense each time the LEA conducts an evaluation with which the parent disagrees.

3039.4 If the parent obtains an independent educational evaluation at public expense or shares with the LEA an evaluation obtained at private expense, the results of the evaluation:

- (a) Shall be considered by the LEA, if the evaluation meets LEA criteria, in any decision made with respect to the provision of FAPE to the child; and

- (b) May be presented by any party as evidence at a hearing for a due process complaint under this chapter.

3039.5 If an impartial hearing officer requests an independent educational evaluation as part of a hearing regarding a due process complaint, the cost of the evaluation shall be at public expense.

3039.6 Except where the requesting party can demonstrate unique circumstances justifying the payment of costs exceeding the established maximum rates or amounts, the LEA may use the maximum hourly rates and maximum evaluation costs set pursuant to 5-A DCMR §§ 2800 *et. seq.*, as the maximum hourly rates and maximum evaluation costs to be paid by the LEA for the independent evaluations and services.

3040 PRIVATE PLACEMENT OF CHILDREN BY PARENTS WHEN FAPE IS AT ISSUE

3040.1 The SEA is not required to pay for the cost of special education and related services for a child with a disability if the LEA has made FAPE available to the child and the parent elected to place the child in a private placement.

3040.2 Disagreements between the LEA and the parent regarding the availability of an appropriate program for the child and financial responsibility for the provision of such a program are subject to the due process procedures under IDEA and this chapter.

3040.3 If the parents of a child with a disability, who previously received special education and related services under the authority of the LEA, enroll the child in a private placement without the consent of or a referral by the LEA, a court or impartial hearing officer may require the LEA to reimburse the parents for the cost of that enrollment if the court or impartial hearing officer finds that the LEA had not made FAPE available to the child in a timely manner prior to that enrollment, and that the private placement is appropriate. A parental placement may be found to be appropriate by a impartial hearing officer or a court even if it does not meet the state standards that apply to education provided by the SEA and LEAs.

3040.4 The cost of reimbursement may be reduced or denied if:

- (a) At the most recent IEP meeting that the parents attended prior to the child's removal from public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the LEA to make FAPE available to the child, including stating their concerns and their intent to enroll the child in a private school at public expense;

- (b) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from public school, the parents did not give written notice to the LEA and the SEA that they were rejecting the placement proposed by the LEA to make FAPE available to the child, including stating their concerns and their intent to enroll the child in a private school at public expense;
- (c) Prior to the parents' removal of the child from public school, the LEA informed the parents, consistent with the notice requirements described in this chapter, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or
- (d) A judicial finding states that the actions taken by the parents were unreasonable.

3040.5 The cost of reimbursement shall not be reduced or denied for the parent's failure to provide notice in accordance with § 3040.4(b) if:

- (a) The school prevented the parent from providing such notice;
- (b) The parents had not received notice, pursuant to the LEA's responsibility under § 3034 to provide parents with a copy of the procedural safeguards, of the notice requirement; or
- (c) Compliance would likely result in physical harm to the child.

3040.6 Except in the discretion of a court or impartial hearing officer, the cost of reimbursement may not be reduced or denied for the parent's failure to provide notice in accordance with § 3040.4(b) if:

- (a) The parent is illiterate or cannot write in English; or
- (b) Compliance would likely result in serious emotional harm to the child.

3041 PRIVATE PLACEMENT OF CHILDREN BY PARENTS WHEN FAPE IS NOT AT ISSUE

3041.1 DCPS is responsible for child find activities that are:

- (a) Designed to ensure the equitable participation of parentally-placed private school children; and
- (b) Similar to and implemented in a comparable timeframe as those activities undertaken for the population of children enrolled in DCPS.

- 3041.2 DCPS shall provide necessary materials and guidance to private schools to enable private school representatives to facilitate the referral process by providing sufficient information, documentation, and support to parents and other referral sources that can refer parentally-placed private school children for evaluation.
- 3041.3 To ensure timely and meaningful consultation, DCPS shall consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities on all of the following:
- (a) The child find process, including:
 - (1) How parentally-placed private school children suspected of having a disability can participate equitably; and
 - (2) How parents, teachers, and private school officials will be informed of the process;
 - (b) The determination of the proportionate share of funds available to serve parentally-placed private school children with disabilities, including how the proportionate share of those funds was calculated;
 - (c) The consultation process among DCPS, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;
 - (d) How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of all of the following:
 - (1) The types of services, including direct services and alternate service delivery mechanisms;
 - (2) How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and
 - (3) How and when those decisions will be made; and
 - (e) How, if DCPS disagrees with the views of the private school officials on the types of services or provision of services, DCPS will provide the private school officials with a written explanation of the reasons why DCPS chose not to provide services directly or through a contract.

- 3041.4 When timely and meaningful consultation has occurred, DCPS shall obtain a written affirmation signed by the representatives of participating private schools.
- (a) Written affirmation shall be provided within a reasonable period of time; and
 - (b) If the representatives do not provide the affirmation within a reasonable period of time, DCPS shall forward the documentation of the consultation process to the SEA.
- 3041.5 DCPS is responsible for conducting timely evaluations, reevaluations, and eligibility determinations for resident and nonresident parentally-placed children attending private schools located in the District of Columbia, in accordance with all of the following:
- (a) DCPS shall seek parental consent for initial evaluations and reevaluations;
 - (b) If the parent of a parentally-placed private school child declines to consent to an initial evaluation or reevaluation, or the parent fails to respond to a request to provide consent, DCPS may not use the consent override procedures to seek to conduct the evaluation;
 - (c) When parental consent is provided, DCPS shall conduct initial evaluations and determine eligibility within the state-mandated timeline;
 - (d) DCPS is responsible for conducting evaluations at least once every three (3) years to determine continued eligibility for equitable services, or when:
 - (1) DCPS determines that the child's educational or related service needs, in light of the child's academic achievement and functional performance, warrant a new evaluation; and
 - (2) The child's parent or teacher requests an evaluation; and
 - (e) Parents of parentally-placed private school children who disagree with the findings of an evaluation may request an independent educational evaluation from DCPS.
- 3041.6 Following an initial determination of eligibility and upon any subsequent determination of eligibility, DCPS shall do all of the following:
- (a) Provide written notice to the parent of a resident child that DCPS will make FAPE available to the child if the child enrolls in a DCPS public school.

- (b) Advise the parent of a nonresident child to contact their resident LEA if they are interested in enrolling the child in a public school to receive FAPE.
 - (1) DCPS shall obtain parental consent prior to releasing evaluation and eligibility determination information or other personally identifiable information to the child's resident LEA.
 - (2) DCPS is not required to obtain parental consent prior to releasing if the parent seeks enrollment in the child's resident LEA and the resident LEA requests records.

- 3041.7 No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would be eligible for if enrolled in a public school.

- 3041.8 For a parentally-placed private school child with a disability determined eligible for equitable services, DCPS shall do all of the following:
 - (a) Initiate and conduct meetings to develop, review, and revise a services plan for the child.
 - (b) Ensure that a representative of the private school attends each meeting. If the representative cannot attend, DCPS shall use other methods to ensure participation by the private school, including individual or conference telephone calls.
 - (c) Make the final decisions with respect to the equitable services to be provided.

- 3041.9 Equitable services shall be provided by DCPS through its employees or through contract with an individual, association, agency, organization, or other entity.

- 3041.10 Equitable services personnel shall meet the same standards as personnel providing services in public schools, except that private elementary school and secondary school teachers who are providing equitable services to parentally-placed private school children with disabilities are not required to meet highly qualified special education teacher requirements.

- 3041.11 Equitable services shall be provided:
 - (a) In accordance with a services plan developed and implemented to meet the individualized needs of the child.
 - (b) In a secular, neutral, and non-ideological manner, extending to the materials provided.

- 3041.12 Services to parentally-placed private school children with disabilities may be provided on the premises of private, including religious, schools to the extent consistent with law.
- 3041.13 DCPS is not required to provide transportation between the child's home and the private school. However, if necessary for the parentally-placed private school child to benefit from or participate in services, DCPS shall offer:
- (a) To provide the child with transportation from the child's private school or the child's home to a site other than the private school; or
 - (b) To provide the child with transportation from the service site to the private school or from the service site to the child's home, depending on the timing of services.
- 3041.14 The decision of a parent of a parentally-placed private school child receiving equitable services to decline, in writing, DCPS-provided transportation and make alternative arrangements relieves DCPS of the obligation to provide transportation, until such time as the parent provides two (2) weeks written advance notice that DCPS-provided transportation is needed.
- 3041.15 DCPS may place equipment and supplies in a private school for:
- (a) The period of time needed to meet the equitable participation requirements of the IDEA; and
 - (b) Only for purposes in accordance with the IDEA and
 - (c) May be removed from the private school without remodeling the private school facility.
- 3041.16 Expenditures related to parentally-placed private school children shall adhere to the following:
- (a) DCPS shall spend the following on providing equitable services to parentally-placed private school children with disabilities:
 - (1) For children between three (3) and twenty-two (22) years of age, an amount that is the same proportion of DCPS's total subgrant under the IDEA as the number of private school children with disabilities between three (3) and twenty-two (22) years of age who are enrolled by their parent in private, including religious, elementary schools and secondary schools located in the District of Columbia, is to the total number of children with disabilities in the

District of Columbia between three (3) and twenty-two (22) years of age; and

- (2) For children between three (3) and five (5) years of age, an amount that is the same proportion of DCPS's total subgrant under the IDEA as the number of parentally-placed private school children with disabilities between three (3) and five (5) years of age who are enrolled by their parent in a private, including religious, elementary school located in the District of Columbia, is to the total number of children with disabilities in the District of Columbia between three (3) and five (5) years of age;
- (b) If DCPS has not expended for equitable services all of the funds described in this Section by the end of the fiscal year for which the funds were appropriated, DCPS shall obligate the remaining funds for equitable services to parentally-placed private school children with disabilities during a carry-over period of one (1) additional year;
- (c) State and local funds can supplement and in no case supplant the proportionate amount of Federal funds required to be expended for parentally-placed private school children with disabilities;
- (d) DCPS may use funds under the IDEA to make public school personnel available in private school facilities, if necessary, to provide equitable services for private school children with disabilities if those services are not normally provided by the private school;
- (e) DCPS may use funds under the IDEA to pay for the services of an employee of a private school to provide services to private school children if the employee performs the services outside of his or her regular hours of duty and under public supervision and control; and
- (f) DCPS may not use funds under the IDEA for repairs, minor remodeling, or construction of private school facilities.

3041.17 On an annual basis, DCPS shall:

- (a) Determine the number of parentally-placed private school children with disabilities attending private schools located in the District of Columbia;
- (b) Ensure that the count is conducted annually on October 5 or the date set by the SEA for the annual pupil count required by D.C. Official Code § 38-2906;

- (c) Use the count to determine the amount that DCPS shall spend on providing equitable services to parentally-placed private school children with disabilities in the next fiscal year; and
- (d) Report the following count data to the SEA:
 - (1) The list of private schools contacted
 - (2) The number of referrals received from private schools and the number of referrals from parents of parentally-placed private school children;
 - (3) The number of children evaluated;
 - (4) The number of children determined to be eligible for services under the IDEA; and
 - (5) The number of children served.

3041.18 A private school official has the right to submit a complaint to the SEA alleging that DCPS did not engage in consultation that was meaningful and timely, or did not give due consideration to the views of the private school official. If the private school official wishes to submit a complaint, the following shall apply:

- (a) The official shall provide to the SEA the basis of the alleged noncompliance by DCPS with the applicable private school provisions of the IDEA and shall forward the appropriate documentation to the SEA; and
- (b) If the private school official is dissatisfied with the decision of the SEA, the official may submit a complaint to the Secretary of Education by providing the information described in this paragraph and forwarding the appropriate documentation to the Secretary.

3042 PARENT OBSERVATION

3042.1 Upon request, the LEA shall provide timely classroom access, either together or separately, to the following persons for the purpose of observing a child's current or proposed special educational program:

- (a) The parent of a child with a disability;
- (b) A designee appointed by the parent of a child with a disability, that is neither representing the parent's child in litigation related to the provision of free and appropriate public education for that child nor has a financial interest in the outcome of such litigation, and:

- (1) who has professional expertise in the area of special education being observed so long as the LEA has written consent of the parent on file prior to the parent’s designee’s observation of a child; or
- (2) who is necessary to facilitate an observation for a parent with a disability or to provide language translation assistance to a parent.

3042.2 The LEA shall develop and issue a written policy regarding child observation as follows:

- (a) The LEA shall not impose any conditions or restrictions on such observations except those necessary to ensure that:
 - (1) The safety of the children in a program is maintained;
 - (2) The confidentiality of the other children in the program is protected by prohibiting observers from disclosing confidential and personally identifiable information in the event such information is obtained in the course of an observation by the parent or a designee; and
 - (3) Any potential disruption to the learning environment arising from multiple observations is avoided;
- (b) The LEA policy may require advance notice of parent observation;
- (c) The LEA policy may require the designation of a parent's observer to be in writing; and
- (d) The LEA shall make its written policy regarding child observation publicly available.

3042.3 The time allowed for observation by the parent or the parent’s designee shall be sufficient to enable the parent or designee to observe a child’s performance in a current program or the ability of a proposed program to support the child.

3042.4 The parent, or the parent’s designee, shall be allowed to view the child’s instruction in the setting where it ordinarily occurs or the setting where the child’s instruction will occur if the child were to attend the proposed program.

3043 CHILD COUNT

3043.1 DCPS and all public charter schools shall count the number of children with disabilities receiving special education and related services in the manner

specified by the SEA annually on October 5 or the date set for the annual child count required by D.C. Official Code § 38-2906.

3043.2 Except as provided by § 3043.1, each LEA shall report the count to the SEA each year and provide the information required by Section 618 of the IDEA and its implementing regulations (34 CFR §§ 300.640 through 300.644), in accordance with the timeline specified by the SEA, and shall certify to the SEA that an unduplicated and accurate count has been made.

3043.3 If a public charter school has been granted a waiver from the requirement to serve as its own LEA for purposes of the IDEA, pursuant to D.C. Official Code § 38-1802.10(c), and for which DCPS serves as its LEA for special education purposes, the public charter school shall report the count and certification to DCPS.

3044 DISCIPLINARY REMOVAL

3044.1 A child with a disability may be held to and disciplined under the same code of student conduct as a child without a disability, subject to the requirements of this section.

3044.2 An LEA may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, provided that:

(a) A child with a disability shall only be removed from their current placement to the extent those removals are applied to children without disabilities; and

(b) The removal does not constitute a change in placement.

3044.3 A change of placement occurs if the removal is for more than ten (10) consecutive school days or the child has been subjected to a series of removals that constitute a pattern. A pattern of removals occurs if:

(a) The series of removals total more than ten (10) school days in a school year;

(b) The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

(c) Additional factors, including the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another, indicate a pattern.

- 3044.4 The LEA shall determine on a case-by-case basis whether a pattern of removal constitutes a change in placement and shall document each such determination.
- 3044.5 An LEA shall only remove a child from their current placement to an interim alternative educational setting as a result of a disciplinary action in accordance with this chapter.
- 3044.6 For disciplinary changes in placement that exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child's disability in accordance with this chapter, the LEA may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to children without disabilities, as set forth in § 3044.8.
- 3044.7 After a child with a disability has been removed from his or her current placement for ten (10) cumulative school days in the same school year, the LEA shall provide services during any subsequent days of removal. The child shall receive:
- (a) Educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
 - (b) As appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.
- 3044.8 During periods of removal, the LEA shall provide services to a child with a disability if the child has been removed from his or her current placement for ten (10) school days or fewer in that school year, if it provides services to a child without disabilities who is similarly removed.
- 3044.9 The LEA may remove a child to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:
- (a) Carries a weapon, as defined by 34 CFR § 300.530(i)(4), to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of an SEA or an LEA;
 - (b) Knowingly possesses or uses illegal drugs, as defined by 34 CFR § 300.530(i)(2), or sells or solicits the sale of a controlled substance, as defined by 34 CFR § 300.530(i)(3), while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA; or

- (c) Has inflicted serious bodily injury, as defined by 34 CFR § 300.530(i)(3), upon another person while at school, on school premises, or at a school function under the jurisdiction of an SEA or an LEA.

3044.10 The LEA shall notify the parent of the decision to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, as follows:

- (a) Written notification to the parent shall be provided within one (1) day of the decision.
- (b) The notification shall include a copy of the procedural safeguards notice.

3044.11 Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the LEA, the parent, and relevant members of the child's IEP Team shall hold a manifestation determination meeting to review all relevant information in the child's file, including the child's IEP, teacher observations, and relevant information provided by the parents, to determine if the conduct in question was a manifestation of the child's disability in accordance with either of the following:

- (a) The conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (b) The conduct in question was the direct result of the LEA's failure to implement the IEP.

3044.12 If the LEA, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall:

- (a) Conduct a functional behavioral assessment, unless the LEA had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred;
- (b) Implement a behavioral intervention plan for the child or, if a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it as necessary to address the behavior; and
- (c) Return the child to the placement from which the child was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan.

3045 RESTRAINT

- 3045.1 The LEA shall not use any form of mechanical restraints, as defined in this chapter.
- 3045.2 The LEA shall not use any form of prone restraints, as defined in this chapter.
- 3045.3 The LEA shall not use any form of chemical restraints. A drug ordered by a licensed physician as part of ongoing medical treatment plan or determined by a licensed physician to be medically necessary is not considered a chemical restraint.
- 3045.4 The LEA shall not use any form of physical restraints, as defined in this chapter, except:
- (a) When the intervention is necessary in emergency circumstances, as defined in this chapter, to protect the child or other person from imminent, serious physical harm and other less intrusive, nonphysical interventions have failed or been determined inappropriate; or
 - (b) Where the use of restraint is included in the child's IEP to address specific behaviors under defined circumstances, and the use by appropriate staff is therefore consistent with the child's IEP.
- 3045.5 Physical restraints shall be applied only by LEA personnel who are trained and certified in the appropriate use of specific, evidence-based techniques. The LEA shall maintain copies of training certifications.
- 3045.6 The use of physical restraints in cases of an emergency shall be limited to the use of reasonable force and to the shortest time period necessary to protect the child or other person from imminent, serious physical harm, as follows:
- (a) The restraint shall end as soon as the child or other person is no longer in imminent danger;
 - (b) LEA personnel shall provide the child with an explanation of the behavior that resulted in the restraint and instructions on the behavior required to be released from the restraint; and
 - (c) The LEA staff member shall personally observe the child during the entire duration of the use of the restraint in order to assess the need for continued restraint.
- 3045.7 The LEA shall not use restraints as a means of coercion, discipline, convenience or retaliation by staff.

3045.8 Physical restraint is prohibited as a means of punishment or as a response to property destruction, disruption of school order, a child's refusal to comply with a directive, or language that does not constitute a threat of imminent, serious physical harm.

3045.9 The use of restraints is limited or prohibited as follows:

- (a) No physical restraint shall be administered in such a way that the child's breathing or speaking is restricted. During the restraint, an LEA staff member shall continuously monitor the physical status of the child, including skin color and respiration. The restraint shall be released immediately upon a determination by the LEA staff member that the child or other person is no longer at risk of causing imminent, serious physical harm, or the authorized use of restraint in a child's IEP has been satisfied. A staff member shall continuously assess the child to determine if medical attention is required.
- (b) If the child uses sign language or an augmentative mode of primary communication, the child shall be permitted to have the child's hands free of restraint for brief periods, unless the LEA staff member determines that such freedom appears likely to result in harm to self or others. The restraint shall end as soon as the child is no longer at risk of causing imminent, serious physical harm or the authorized use of restraint in a child's IEP has been satisfied.
- (c) Except in emergency circumstances or as authorized in a child's IEP, the use of restraint practices with a child whom the LEA knows has been sexually or physically abused is prohibited.
- (d) Except in emergency circumstances or as authorized in a child's IEP, no physical restraint shall be administered if the child has a medical or psychological condition contraindicative to restraint.

3046 SECLUSION

3046.1 The LEA shall not use any form of seclusion except in emergency circumstances, as defined in this chapter.

3046.2 A space used for seclusion shall:

- (a) Be free of objects and fixtures with which a child could self-inflict bodily harm;
- (b) Provide LEA personnel an adequate view of the child from an adjacent area in accordance with this Section; and

- (c) Provide adequate lighting, ventilation, and appropriate temperature controls.

- 3046.3 In the event of seclusion, LEA personnel shall view a child placed in seclusion at all times by remaining within sight of the child, consistent with § 3046.5, and shall provide the child with an explanation of the behavior that resulted in the seclusion and instructions on the behavior required to be released from the seclusion.
- 3046.4 Seclusion shall only be applied by LEA personnel who are trained in the proper use of appropriate techniques supported by written policies and procedures established by the LEA and consistent with regulations and guidance issued by the SEA.
- 3046.5 LEA personnel shall continuously monitor a child placed in seclusion and speak with the child every ten (10) minutes at minimum. After thirty (30) minutes, the Director, Head of Special Education, or other senior LEA personnel shall personally observe the child to assess the need for continued seclusion. No seclusion shall continue longer than one (1) hour.
- 3046.6 If the space used for seclusion has a locking mechanism, it shall only be engaged when it is held in position by a person, or if electronically engaged, shall automatically release if the building's fire alarm system is activated.

3047 RESTRAINT AND SECLUSION: REPORTING

- 3047.1 If any form of restraint or seclusion is used, the LEA shall prepare a written report consistent with the requirements of this section.
- 3047.2 A written incident report shall include the following information:
- (a) The child's name;
 - (b) The date of the incident;
 - (c) The beginning and ending times of the incident, and beginning and ending times of actual restraint or seclusion;
 - (d) A description of relevant events leading up to the restraint or seclusion;
 - (e) A description of any interventions used prior to the implementation of restraint or seclusion;
 - (f) A log of events during the restraint, including the restraint technique(s) used;

- (g) A log of events during the seclusion;
- (h) A description of any injuries (whether to children, personnel, or others), property damage, or both;
- (i) A list and signatures of the LEA personnel who participated in the implementation, monitoring, and supervision of the restraint or seclusion event; and
- (j) A description of the short-term planned approach to addressing the child's behavior in the future.

3047.3 The written incident report shall be prepared for each individual incident involving a restraint or seclusion and placed in the child's record within one (1) business day of the incident.

3047.4 A copy of the written incident report shall be sent within one (1) business day of the incident to the child's parent.

3047.5 If the restraint or seclusion incident involved physical injury to, or caused by, a child, the LEA shall report the incident in writing within one (1) business day to the parent and other District of Columbia agency involved in the child's placement, by facsimile or other electronic transmission.

3047.6 The IEP team shall meet within ten (10) school days of the incident to consider the need for a FBA and BIP and to discuss non-physical and non-restrictive de-escalation strategies. If the child has a BIP in place, the IEP team shall review and revise as appropriate. If the child is unable or unwilling to attend the IEP team meeting, the LEA shall meet with the child individually to discuss the incident as appropriate.

3047.7 If additional incidents of restraint or seclusion occur within ten (10) school days of the original incident, the LEA and parent may agree to consolidate meetings and discuss all incidents at a meeting to be scheduled no later than fifteen (15) school days after the original incident.

3048 MEDIATION

3048.1 The parent of a child with a disability or the public agency may request mediation by a qualified and impartial mediator when there is a dispute about any matter related to the identification, evaluation, eligibility, educational placement, or provision of FAPE to the child.

3048.2 The request for mediation shall be voluntary on the part of the parties.

3048.3 The request for mediation shall be made in writing to the SEA.

- 3048.4 The request for mediation may not be used to deny or delay the parent's right to due process in accordance with 20 USC § 1415(f) and this chapter.
- 3048.5 A mediation session shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties of the dispute.
- 3048.6 Mediation shall be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and special education law.
- 3048.7 Discussions that occur during mediation shall be confidential and may not be used as evidence in any concurrent or subsequent due process hearing or civil proceeding.
- 3048.8 The parties may be required to sign a confidentiality pledge before the commencement of the mediation.
- 3048.9 An agreement reached by the parties through mediation shall be documented in a written mediation agreement, which shall include the following:
- (a) A statement that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and
 - (b) Signatures of both the parent and a representative of the public agency who has the authority to bind such agency.

3049 STATE COMPLAINTS UNDER IDEA

- 3049.1 Pursuant to the requirements of the IDEA, the SEA, through the State Complaint Office (SCO), shall maintain written procedures for the investigation and resolution of any complaint alleging that a public agency has violated a requirement of the IDEA and shall, absent exceptional circumstances with respect to a particular complaint, issue a final written decision within sixty (60) days.
- 3049.2 Any individual or organization may submit to the SCO a signed, written complaint that alleges that any District of Columbia public agency has violated a requirement of Part B of the IDEA or the District's laws and regulations regarding special education not more than one year prior to the date the complaint is received by the SCO.
- 3049.3 The SCO shall investigate and resolve complaints that allege the following:
- (a) A violation of Part B of IDEA or the District of Columbia's laws and regulations regarding special education.

- (b) A public agency has failed to implement a special education due process hearing officer decision resolving a due process hearing request.
- (c) A failure to implement a settlement agreement (SA) resolving a due process hearing request, however no such review shall delay or deny a party the right to seek enforcement of the settlement agreement in a court of competent jurisdiction.

3049.4 If the SCO receives a written complaint that is also the subject of a due process hearing under § 3054, or contains multiple issues of which one or more are part of that hearing, the SCO shall set aside any part of the complaint that is being addressed in the due process hearing until the conclusion of the hearing, except that:

- (a) Any issue in the complaint that is not a part of the due process action shall be resolved using the time limit and procedures described in the SEA's written state complaint procedures; and
- (b) If an issue raised in a complaint filed under this section has previously been decided in a due process hearing involving the same parties:
 - (1) The due process hearing decision is binding on that issue; and
 - (2) The SEA shall inform the complainant to that effect.

3049.5 The complainant and public agency may agree to extend the sixty (60) day investigation timeline to engage in mediation.

3049.6 The letter of decision issued by the SCO after completing an investigation is final and unappealable to the SEA. However, if an issue is still in dispute, the parent or public agency may, to the extent permitted under IDEA, request mediation under § 3048 or file a due process complaint under § 3054.

3050 IMPARTIAL DUE PROCESS

3050.1 A parent of a child with a disability or a public agency, including an LEA, has the right to initiate a due process hearing when there is a dispute about any matter related to the identification, evaluation, eligibility, educational placement, or provision of FAPE to the child.

3050.2 A request by a parent to initiate a due process hearing shall be made in writing and include:

- (a) The name of the child;
- (b) The address of the residence of the child;

- (c) The name of the parent initiating the hearing;
- (d) The address of the parent initiating the hearing;
- (e) The name of the LEA in which the child is enrolled and the name of the LEA or public agency against which the complaint is being filed, if different;
- (f) The name of the school the child is attending;
- (g) The name of the school against which the complaint is being filed;
- (h) A description of the nature of the dispute, including facts relating to the dispute; and
- (i) A proposed resolution to the dispute to the extent known and available to the parent at the time.

3050.3 A request by a public agency or LEA to initiate a due process hearing shall be made in writing and include:

- (a) The name of the child;
- (b) The address of the residence of the child;
- (c) The name of the school the child is attending;
- (d) The name of the LEA or public agency initiating the hearing;
- (e) The name of the LEA or public agency official filing the request on behalf of the LEA or public agency;
- (f) The name of the parent against which the complaint is being filed;
- (g) The address of the residence of the parent, if different from (b);
- (h) A description of the nature of the dispute, including facts relating to the dispute; and
- (i) A proposed resolution to the dispute to the extent known and available to the LEA or public agency at the time.

3050.4 When an impartial due process hearing is requested, the SEA shall inform the parent of the availability of mediation and any free or low cost legal services and other relevant services available. As a part of the five (5) day disclosure submitted

before a due process hearing, the submitting attorney must shall disclose any financial interest, of which he or she is aware, of any participant in the proceeding in a nonpublic provider or service that may be at issue in that due process hearing.

- 3050.5 For the purpose of this section, financial interest includes, but is not limited to, any financial arrangement with a nonpublic school or program or private provider including an ownership interest, provision of services at a discount, or contingent payment agreements based on referrals or the outcome of the due process hearing. Financial interest does not include reasonable expert witness fees under District of Columbia law and this chapter.

3051 CHILD'S STATUS DURING PROCEEDINGS

- 3051.1 The child with a disability shall remain in the child's current educational placement during the pendency of an due process hearing or judicial proceeding unless the parent and the LEA agree on an alternative placement.
- 3051.2 If the matter involves an application for initial admission to public school, the child, with the consent of the parent, shall be placed in the public school program until the completion of all proceedings, unless the parent and the LEA agree otherwise.
- 3051.3 If the impartial hearing officer decision in a due process hearing or in an administrative appeal agrees with the child's parent that a change of placement is appropriate, that placement shall be treated as an agreement between the parent and the LEA for purposes of § 3051.1.

3052 HEARING RIGHTS

- 3052.1 A party to a due process hearing has the right to:
- (a) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
 - (b) Present evidence and confront, cross-examine, and compel the attendance of witnesses;
 - (c) Prohibit the introduction of any evidence at the hearing that has not been disclosed to all parties no later than five (5) business days before the hearing;
 - (d) Obtain a written or, at the option of the parent, electronic verbatim record of the hearing, at no cost to the parent; and

- (e) Obtain written or, at the option of the parent, electronic findings of fact and decisions at no cost to the parent.

3052.2 At least five business days prior to a hearing, each party must disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

3052.3 A impartial hearing officer may bar any party that fails to meet requirements of § 3052.2 from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

3052.4 A parent has the right to have the child who is the subject of the hearing present at the hearing, and may elect to open the hearing to the public.

3052.5 A party aggrieved by the findings and decision of a due process hearing may bring a civil action in any court of competent jurisdiction in accordance with 20 USC § 1415(I)(2).

3053 RESOLUTION MEETINGS

3053.1 No later than fifteen (15) calendar days after receiving notice of the parent's due process complaint, and prior to the initiation of a due process hearing, the LEA shall convene a resolution meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts identified in the due process complaint. The resolution meeting shall meet all of the following standards:

- (a) The parent and the LEA shall determine the relevant members of the IEP Team to attend the resolution meeting.
- (b) The meeting shall include a LEA representative who has decision-making authority on behalf of the LEA.
- (c) The meeting may not include an attorney of the LEA unless the parent is accompanied by an attorney.
- (d) The purpose of the meeting shall be for the parent of the child to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the LEA has an opportunity to resolve the due process complaint.

3053.2 The LEA shall not be required to convene a resolution meeting if the parent and the LEA agree in writing to waive the meeting or agree to use the mediation process described in § 3048.

- 3053.3 If the LEA fails to hold the resolution meeting specified in this Section within fifteen (15) calendar days after receiving notice of the parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of an impartial hearing officer to begin the due process hearing timeline.
- 3053.4 Except where the LEA and the parent have jointly agreed to waive the resolution process or to use mediation, when the parent who has filed a due process complaint fails to participate in the resolution meeting, the LEA may request that an impartial hearing officer order a continuance to delay the timelines for the resolution process and due process hearing until the meeting is held, as follows:
- (a) Any such request shall include evidence of the LEA's reasonable efforts, as defined in this chapter, to convene a resolution meeting with the parent;
 - (b) The LEA's reasonable efforts shall be documented using the procedures in this chapter; and
 - (c) The parent shall have an opportunity to respond to the request and related evidence prior to the impartial hearing officer rules on the request.
- 3053.5 If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts, as defined in this chapter, have been made and documented, the LEA may, at the conclusion of the thirty (30) calendar-day resolution period, request that an impartial hearing officer dismiss the parent's due process complaint, as follows:
- (a) Any such request shall include evidence of the LEA's reasonable efforts to convene a resolution meeting with the parent;
 - (b) The LEA's reasonable efforts shall be documented using the procedures in this chapter; and
 - (c) The parent shall have an opportunity to respond to the request and related evidence prior to the hearing officer rules on the request.
- 3053.6 If a resolution to the dispute is reached at the meeting described in this section, the parent and the LEA shall execute a legally binding agreement that is signed by both the parent and a representative of the LEA who has the authority to bind the LEA, and contains a provision stating that it shall be enforceable in any state court of competent jurisdiction or in a District Court of the United States.
- 3053.7 If the LEA and the parent execute an agreement pursuant to this section, either party may void such agreement.

- (a) The agreement may be voided within three (3) calendar days after the agreement's execution.
- (b) The party who voids the agreement shall provide written notice to all other parties to the agreement.

3054 DUE PROCESS HEARINGS AND HEARING OFFICER DETERMINATIONS

3054.1 Except as provided in § 3053, a forty-five (45) calendar-day hearing period shall begin after the expiration of the thirty (30) calendar-day resolution process period.

3054.2 The forty-five (45) calendar-day timeline for the due process hearing in this Section shall start on the calendar day after any of the following events occurs:

- (a) The LEA and the parent agree in writing to waive the resolution meeting.
- (b) The mediation or resolution meeting starts but, before the end of thirty (30) calendar days, the LEA and the parent agree in writing that no agreement is possible.
- (c) The parent and the LEA agree in writing to continue the mediation at the end of the thirty (30) calendar day resolution period, but the parent or LEA later withdraws from the mediation process.

3054.3 No later than forty-five (45) calendar days after the expiration of the thirty (30) calendar-day resolution period or any adjusted time period described in this section, a final determination shall be reached in the hearing, and a copy of the decision shall be mailed, or transmitted electronically or by facsimile to each party, if all parties to the due process complaint consent to such electronic or facsimile transmission.

3054.4 An impartial hearing officer may, for good cause shown, grant specific extensions of time beyond the periods set forth in this section at the request of either party.

3054.5 The Hearing Officer Determination (HOD) shall be in writing and include all of the following:

- (a) The identity of the parties;
- (b) The identity of the child, which shall include the child's name, state-issued unique child identifier, date of birth, and attending LEA and school;
- (c) The case number;
- (d) Findings of fact and conclusions of law, separately stated;

- (e) The final determination;
- (f) What shall be done by each party, where applicable, to carry out the determination including the establishment of timelines for each step or action;
- (g) Any appeal rights; and
- (h) The hearing officer's signature, which shall be dated, which may be designated by electronic signature.

3054.6 In special education due process hearings occurring pursuant to this chapter, the party who filed for the due process hearing shall bear the burden of production and the burden of persuasion, except that:

- (a) Where there is a dispute about the appropriateness of the child's IEP or placement, or of the program or placement proposed by the LEA, the LEA shall hold the burden of persuasion on the appropriateness of the existing or proposed program or placement, provided, that the party requesting the due process hearing shall retain the burden of production and shall establish a prima facie case before the burden of persuasion falls on the LEA. The burden of persuasion shall be met by a preponderance of the evidence; and
- (b) Where a party seeks tuition reimbursement for unilateral placement, the party seeking reimbursement shall bear the burden of production and the burden of persuasion on the appropriateness of the unilateral placement, provided that:
 - (1) The impartial hearing officer shall have the authority to bifurcate a hearing regarding a unilateral placement; and
 - (2) If the impartial hearing officer determines that the program offered by the LEA is appropriate, then the inquiry into the appropriateness of the unilateral placement is not necessary.

3054.7 A Hearing Officer Determination (HOD) resulting from the filing of a due process complaint shall be final upon the parties to the due process complaint, settlement agreement (SA), or both.

3054.8 After deleting personally identifiable information from hearing decisions, the Student Hearing Office of the District of Columbia shall transmit the findings and decisions to the State Education Agency Advisory Panel and make the findings and decisions available to the public.

3054.9 If a child with a disability who is the subject of a HOD or SA transfers to a new LEA during the term of the HOD or SA, the new LEA shall cooperate with the LEA bound by the HOD or SA in the implementation of the HOD or SA. The responsibility for implementation of the HOD or SA shall remain at all times with the LEA that was a party to the HOD or SA. In no event shall implementation of the HOD or SA interfere with the new LEA's ability to make FAPE available to the child.

3055 EXPERT WITNESS FEES

3055.1 In any administrative proceeding brought under IDEA and this chapter, a court may award reasonable expert witness fees as part of the costs to a prevailing party:

- (a) Who is the parent of a child with a disability;
- (b) That is an LEA or SEA, when the attorney of a parent files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or
- (c) That is an LEA or SEA, against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

3055.2 Expert witness fees awarded under paragraph this section shall be based on rates prevailing in the community in which the administrative proceeding arose for the kind and quality of services furnished, provided that the maximum award shall be \$6,000 per action or proceeding. No bonus or multiplier may be used in calculating the fees awarded under this paragraph.

3055.3 Expert witness fees, otherwise available under this section, shall:

- (a) Not be awarded if reimbursement of attorney's fees and related costs would be prohibited in the proceeding under 20 USC § 1415(i)(3)(D);
- (b) Be subject to reduction if the court makes a finding listed under 20 USC § 1415(i)(3)(F); and
- (c) Not be awarded to compensate the moving party for an independent educational evaluation unless that party would be entitled to compensation for the evaluation under the IDEA.

3056 ATTORNEY'S FEES

3056.1 In an action or proceeding under this chapter, courts may award reasonable attorney's fees as part of the costs to the following:

- (a) The parent of a child with a disability who is the prevailing party;
- (b) A prevailing party who is a State educational agency or local educational agency against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or
- (c) A prevailing State educational agency or local educational agency against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

3056.2 Attorney's fees shall be considered reasonable if they are at rates consistent with applicable local and federal laws.

3099 DEFINITIONS

3099.1 When used in this title, the following terms and phrases shall have the meanings ascribed:

Assessment – The process of collecting data in accordance with § 3006 of this chapter, to be used by the Individualized Education Program (IEP) Team to determine a child's educational needs and eligibility for special education and related services.

Assistive technology device – Any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted or the replacement of such device.

Assistive technology service – Any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes, without limitation, each of the following:

- (a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;
- (b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;
- (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- (d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- (e) Training or technical assistance for a child with a disability or the child's family; and
- (f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of a child with a disability.

At no cost – A specially-designed instruction, as defined by 34 CFR § 300.39(b)(3), provided without charge, but does not preclude incidental fees that are normally charged to children without disabilities or their parents as a part of the general education program.

Autism – A disability as defined in § 3011.

Behavior Intervention Plan or BIP – A written plan that describes how an educational setting will be changed to improve the behavioral success of a child; the teaching that will occur to give the child alternative ways of behaving; the consequences that will be provided to (a) encourage positive behavior, (b) limit inadvertent reward of problem behavior, and (c) where appropriate, discourage problem behavior; and procedures for ongoing assessment to determine if the BIP is being implemented correctly and if implementation is resulting in benefits for the child.

Business day – Monday through Friday except for federal and District of Columbia holidays.

Child – An individual between three (3) and twenty-two (22) years of age.

Child find – A set of policies, procedures, and public awareness activities designed to locate, identify, and evaluate children who may require special education and related services.

Child with a disability – In general, a child with autism, deaf-blindness, deafness, developmental delay, emotional disturbance, hearing impairment, intellectual disability, multiple disabilities, orthopedic

impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment, in accordance with Section 3011; and who, by reason thereof, needs special education and related services.

Consent – action in which:

- (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent’s native language or other mode of communication;
- (b) The parent understands and agrees in writing to the carrying out of the activity for which the parent’s consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom;
- (c) The parent understands that the granting of consent is voluntary on the part of the parent and that it may be revoked at any time;
- (d) If a parent revokes consent, that revocation does not negate an action that has occurred after the consent was given and before the consent was revoked; and
- (e) If the parent revokes consent in writing for their child’s receipt of special education and related services after the child is initially provided services, the LEA is not required to amend the child’s education records to remove any references to the child’s receipt of services because of the revocation of consent.

Course of study – A description of the coursework necessary to prepare the child for post-school activities developed in accordance with § 3026 of this chapter.

Day – A calendar day, unless otherwise specified as a school day or business day.

Deaf-blindness – A disability as defined in § 3011.

Deafness – A disability as defined in § 3011.

Developmental delay – A disability as defined in § 3011.

District – The District of Columbia.

DCPS – The District of Columbia Public Schools, established by Section 102 of the District of Columbia Public Schools Agency Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171).

Educational Representative – An adult appointed by OSSE to represent the educational interests of a child with a disability who upon reaching

eighteen (18) years of age is determined under this chapter to be unable to provide informed consent for educational purposes.

Educational surrogate parent – An individual who is appointed by the LEA to advocate for a child with a disability, or a child suspected of having a disability, during evaluation through possible placement, when no parent can be identified or the whereabouts of the parent cannot be determined or if the child is in the custody of the District of Columbia Child and Family Services Agency, as needed.

Emergency circumstances – A temporary and unusual circumstance in which intervention is reasonably believed to be necessary to protect a student or other person from imminent, serious physical harm. Property destruction, disruption of school order, or failure of a student to follow the directive of a school official shall not alone constitute imminent, serious physical harm.

Emotional disturbance – A disability as defined in § 3011.

English learner – A student as defined in Section 8101(20) of the ESEA (20 USC § 7801(20)).

Enrollment – A process through which a child obtains admission to an LEA that includes, at a minimum, all of the following stages:

- (a) Application by child to attend the school;
- (b) Acceptance and notification of an available slot to the child by the school;
- (c) Acceptance of the offered slot by the child (signified by completion of enrollment forms and parent signature on a “letter of enrollment agreement form);
- (d) Registration of the child in the Student Information System (SIS) by school upon receipt of required enrollment forms and letter of enrollment agreement;
- (e) Receipt of educational services, which are deemed to begin on the first official school day; and
- (f) The LEA’s obligation to determine eligibility for special education services or to provide special education services on an existing IEP is triggered upon completion of registration.

Evaluation –

- (a) Procedures used in accordance with this chapter to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.
- (b) The process of reviewing:

- (1) Information from the parent;
 - (2) Existing data; and
 - (3) Results of assessment procedures used to determine the child's present level of performance, educational needs and whether a child has a disability, and the nature and extent of the special education and related services that the child needs.
- (c) A review of all of the above at a meeting of the IEP team.

Extended school year services – The special education and related services that:

- (a) Are provided to a child with a disability beyond the normal LEA school year, in accordance with the IEP, at no cost to the parent of the child; and
- (b) Meet the standards of the LEA.

Free appropriate public education or FAPE – The special education and related services that adhere to all of the following:

- (a) Are provided, at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this chapter;
- (c) Include an appropriate preschool, elementary, and secondary education; and
- (d) Are provided in conformity with an individualized education program that meets the requirements of this chapter.

Functional behavior assessment or FBA – A process for identifying (a) observable problem behaviors, (b) the contexts or routines where the problem behaviors are most likely, (c) the specific antecedent events within a context or routine that reliably predict occurrence of problem behaviors, and (d) the consequences that appear to maintain the problem behavior.

General education curriculum – The curricular content adopted by the LEA for all children receiving a public education.

Hearing impairment – A disability as defined in § 3011.

IDEA - The Individuals with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 USC §§ 1400 *et seq.*), as amended by Pub. L. 108-446, approved December 3, 2004 (118 Stat. 2647), and its implementing regulations.

Impartial hearing officer – A individual selected to conduct a due process hearing in accordance with 20 USC § 1415(f) and D.C. Official Code §§ 38-2572.02-.03 who meets the following requirements:

- (a) Is not an employee of a public agency or the LEA that is involved in the education or care of the child.
- (b) Does not have a personal or professional interest that would conflict with the individual’s objectivity in the due process hearing.

Incapacitated Individual – shall have the same meaning as the term is defined in D.C. Official Code § 21-2011(11).

Intellectual disability – A disability as defined in § 3011.

Include – The items named are not all of the possible items that are covered, whether like or unlike the ones named.

Independent educational evaluation” or IEE – The assessment procedures conducted by a qualified individual who is not an employee of the LEA.

Individualized education program or IEP – A written statement that specifies the special education programs and services to be provided to meet the unique educational needs of a child with a disability, as required under Section 614(d) of IDEA (20 USC § 1414(d)) and this chapter.

Individualized Education Program Team or IEP Team – A group of individuals, comprised of the persons listed in § 3008, responsible for:

- (a) Identifying and evaluating children with disabilities in a meeting in accordance with 20 USC § 1414 and this chapter;
- (b) Developing, reviewing, or revising an IEP for a child with a disability; and
- (c) Determining the placement of a child with a disability in the least restrictive environment in accordance with 20 USC § 1414 and this chapter

Individualized Family Service Plan or IFSP – A written plan for providing early intervention services to an infant or toddler with a disability and the infant’s or toddler’s family that:

- (a) Is based on an evaluation and assessment of the child and family, consistent with the requirements of 34 CFR § 303.321;
- (b) Consistent with the requirements of 34 CFR § 303.344, which includes information about the child’s present levels of development, information about the family, results or outcomes to be achieved, the early intervention services necessary to meet the needs of the child and family and, to the extent appropriate, the

identification of other services that the child or family needs or is receiving through other sources;

- (c) Is implemented as soon as possible once parental consent for the early intervention services in the IFSP is obtained, consistent with 34 CFR § 303.420; and
- (d) Is developed in accordance with the IFSP procedures in 34 CFR §§ 303.342, 303.343, and 303.345.

Infant or toddler with a disability – shall have the same meaning as provided in Section 632(5) of the IDEA (20 USC § 1432(5)).

Least restrictive environment – An educational environment which meets the needs of a child requiring special education and related services as set forth in the child’s IEP and which, to the maximum extent appropriate, ensures that the child will be educated with children without disabilities.

Limited English proficiency – A individual does not speak English as his or her primary language and has a limited ability to read, speak, write, or understand English.

Local education agency or LEA – An educational institution at the local level that exists primarily to operate a publicly funded school or schools providing elementary or secondary education in the District of Columbia. The term includes the District of Columbia Public Schools and a District of Columbia public charter school that has elected, pursuant to D.C. Official Code § 38-1800.00(29), to serve as the LEA for purposes of IDEA, with such election subject to the provisions of D.C. Official Code § 38-1802.10(c), requiring an LEA to be its own LEA for purposes of IDEA and the Rehabilitation Act unless waived by the District of Columbia Public Charter School Board.

Location assignment – The actual school site or facility at which the child will receive compulsory instruction, including special education and related services.

Mechanical restraint – The use of a physical device to restrict the movement of a child or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.

Meeting – A prearranged event when personnel of the LEA, a parent, and others who have knowledge or special expertise regarding the child, at the discretion of the LEA or the parent, come together at the same time and place, in person or telephonically, to discuss matters related to the identification, evaluation, educational placement, and the provision of FAPE for a child with a disability. Meeting does not include:

- (a) Informal or unscheduled conversations with LEA personnel;
- (b) Conversations on issues such as teaching methodology, lesson plans, or coordination of service provision, if these issues are not addressed on the child's IEP; or
- (c) Preparatory activities of LEA personnel necessary to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

Multiple disabilities – A disability as defined in § 3011.

Native language –

- (a) When used with respect to an individual who is limited English proficient, means the following:
 - (1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except as provided in paragraph (a)(2) of this definition.
 - (2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.
- (b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

Nonacademic and extracurricular activities and services” – Activities and services that may include:

- (a) Meals, recess, counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the LEA;
- (b) Referrals to agencies that provide assistance to individuals with disabilities; and
- (c) Employment of children, including employment by the LEA, and assistance in making outside employment available.

Nonpublic special education school or program – A privately owned or operated preschool, school, educational organization, or program, no matter how titled, that maintains or conducts classes for the purpose of offering instruction, for a consideration, profit, or tuition, to children with disabilities. The term “nonpublic special education school or program” shall not include a privately owned or operated preschool, elementary,

middle, or secondary school whose primary purpose is to provide educational services to children without disabilities, even though the school can serve children with disabilities in a general academic setting. If a nonpublic special education school or program has multiple locations, each location will be considered and treated by the SEA as an individual program in regards to location of service and rate confirmation.

Office of the State Superintendent of Education (OSSE) – The State Education Agency (SEA) for the District of Columbia established by the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Official Code §§ 38-2601 *et seq.*), with all operational authority for State-level functions, except that delegated to the State Board of Education in D.C. Official Code § 38-2652. As described in D.C. Official Code § 38-2601.01, OSSE performs the functions of a state education agency for the District of Columbia under applicable federal law, including grant-making, oversight, and state educational agency functions for standards, assessments, and federal accountability requirements for elementary and secondary education.

Orthopedic impairment – A disability as defined in § 3011.

Other health impairment – A disability as defined in § 3011.

Paraprofessional -- an aide or other individual who provides support services such as instructional, behavioral, or health services as described on a child's IEP under the direct supervision of qualified personnel that is responsible for implementing special education or related services designated in a child's IEP.

Parent –

- (a) A biological or adoptive parent of a child;
- (b) A foster parent, unless District of Columbia law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
- (c) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is in the custody of or committed to a state agency);
- (d) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- (e) A surrogate parent who has been appointed in accordance with § 3035 or § 639(a)(5) of IDEA.

Except as provided, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under this chapter to act as a parent, shall be presumed to be the parent for purposes of this chapter unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. If a judicial decree or order identifies a specific person or persons to act as the “parent” of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the “parent” for purposes of this definition.

Personally identifiable information – Information that contains:

- (a) The name of the child, the child’s parent, or other family member;
- (b) The address of the child;
- (c) A personal identifier such as the child’s Social Security number; or
- (d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Physical education – Includes

- (a) The development of:
 - (1) Physical and motor fitness;
 - (2) Fundamental motor skills and patterns; and
 - (3) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and
- (b) Special physical education, adapted physical education, movement education, and motor development.

Physical restraint – A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.

Placement – A child’s learning environment, classified by level of restrictiveness, as determined by the child’s IEP Team.

Prone restraint – The use of force, use of a physical device, or both, to hold a child face down or stomach down on the floor.

Public charter school – A publicly funded public school established pursuant to the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code §§ 38-1800 *et seq.*), and is not part of the District of Columbia public schools (DCPS).

Public expense – The cost of services paid for or provided by a public agency at no cost to the parent.

Qualified evaluator – An evaluator who has met the SEA-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the evaluator’s field in the location where the evaluator practices. For the administration of standardized tests, a qualified evaluator means a person who is trained and knowledgeable and administrates the test in accordance with the instructions provided by the producer of the test.

Qualified personnel – The personnel who have met the SEA-approved or recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individual is providing special education or related services.

Reasonable efforts – At least three (3) documented attempts to contact the parent using at least two (2) of the following modalities on at least three (3) different dates no fewer than five (5) days prior to the proposed LEA action or the statutory deadline:

- (a) Telephone calls made or attempted and the results of those calls;
- (b) Correspondence sent to the parent and any responses received; or
- (c) Visits made to the parent’s last known place of residence or place of employment and the results of those visits.

Reevaluation – An evaluation conducted after the initial evaluation in accordance with § 3007 of this chapter.

Rehabilitation Act – The Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 355; 29 USC §§ 701 *et seq.*) and its implementing regulations.

Related services – The transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education. Related services include:

- (a) Speech-language pathology;
- (b) Audiology services;
- (c) Interpreting services;
- (d) Psychological services;
- (e) Physical and occupational therapy;
- (f) Recreation, including therapeutic recreation;
- (g) Early identification and assessment of disabilities in children;
- (h) Counseling services, including rehabilitation counseling;
- (i) Orientation and mobility services;
- (j) Medical services for diagnostic or evaluation purposes;
- (k) School health and school nurse services;
- (l) Social work services in schools;

- (m) Parent counseling and training; and
- (n) Transportation.

Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning, maintenance of that device, or the replacement of that device.

Seclusion – The involuntary confinement of a child alone in a room or area from which he or she is physically prevented from leaving, or from which the child believes he or she may not leave, whether or not in a locked area.

Service location – the physical address at which instruction occurs or at which a student with disabilities receives special education and related services. The term “service location” does not refer to a specific classroom within a building or a specific building on a campus.

Services plan – A written statement that describes the special education and related services that DCPS will provide to a parentally-placed private school child with a disability who has been designated to receive services, including the location of the services and any transportation necessary, consistent with 34 CFR § 300.132, and is developed and implemented in accordance with 34 CFR §§ 300.137 through 300.139.

Special education – The specially designed instruction, at no cost to the parent, to meet the unique needs of a child with a disability, including:

- (a) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings;
- (b) Instruction in physical education;
- (c) Speech-language pathology in accordance with § 3010.4;
- (d) Travel training; and
- (e) Vocational education.

Specially designed instruction – Adapting, as appropriate, to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of a child that result from the child's disability and to ensure access to the general education curriculum, so that the child can meet the educational standards that apply to each child within District of Columbia.

Specific learning disability – A disability as defined in § 3011.

Speech or language impairment – A disability as defined in § 3011.

State – The District of Columbia.

State Education Agency or SEA – The Office of the State Superintendent of Education for the District of Columbia.

Student Information System or SIS – the LEA’s information system that includes, among other things, student demographic data and information such as attendance, scheduling and enrollment. The SIS is not Special Education Data System.

Student – Shall have the same meaning as child and is used interchangeably. An individual between the ages of three (3) and twenty-two (22).

Supplementary aids and services – Aids, services, and other supports that are provided in general education classes or other education-related settings, and in extracurricular and nonacademic settings, to enable a child with a disability to be educated with children without disabilities to the maximum extent appropriate.

Supported decision-making – The supports, services, and accommodations that help a child with a disability make his or her own decisions, by using adult friends, family members, professionals, and other people he or she trusts to help understand the issues and choices, ask questions, receive explanations in language he or she understands, and communicate his or her own decisions to others.

Transition services – A coordinated set of activities for a child with a disability that:

- (a) Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities including the following:
 - (1) Post-secondary education;
 - (2) Vocational education;
 - (3) Integrated employment, including supported employment;
 - (4) Continuing and adult education;
 - (5) Adult services;
 - (6) Independent living; or
 - (7) Community participation; and
- (b) Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests including all of the following:
 - (1) Instruction, related services, community experiences, development of employment and other post-school adult living objectives;
 - (2) Acquisition of daily living skills, if appropriate; and

- (3) Provision of a functional vocational evaluation.

Transition services for a child with a disability can be special education, if provided as specially designed instruction, or related services, if required to assist a child with a disability to benefit from special education.

Traumatic brain injury – A disability as defined in § 3011.

Travel training – Providing instruction, as appropriate, to children with significant cognitive disabilities and other children with disabilities who require such instruction, to enable them to develop an awareness of the environment in which they live, and learn the skills necessary to move effectively and safely from place to place within that environment.

Visual impairment – A disability as defined in § 3011.

Vocational education – Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

Chapter 28, NONPUBLIC SPECIAL EDUCATION SCHOOLS AND PROGRAMS SERVING STUDENTS WITH DISABILITIES FUNDED BY THE DISTRICT OF COLUMBIA AND SPECIAL EDUCATION RATES, of Title 5-A DCMR, OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION, is amended as follows:

Section 2844, NONPUBLIC SPECIAL EDUCATION SCHOOL OR PROGRAM PLACEMENT AND LOCATION ASSIGNMENT PRINCIPLES, is amended to add a new Subsection 2844.12 as follows:

2844.12 To ensure placement decisions are made on an appropriate and individual basis, no student shall be placed in a:

- (a) Nonpublic school or program that requires all students to attend Extended School Year (ESY) programming regardless of need or as a condition of enrollment; or
- (b) Nonpublic school or program that requires all students to attend programming that is offered outside the time frame of the regular instructional day and is not included in the school or program's per diem educational rate.

Section 2899, DEFINITIONS, is amended as follows:

Strike the definitions of “Evaluation”; “Physical Restraint”; and “Prone Restraint” and replace the definitions with the new language as follows:

...

Evaluation --

- (a) Procedures used in accordance with 5-A DCMR Chapter 30 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.
- (b) The process of reviewing:
 - (1) Information from the parent;
 - (2) Existing data; and
 - (3) Results of assessment procedures used to determine the child's present level of performance, educational needs and whether a child has a disability, and the nature and extent of the special education and related services that the child needs.
- (c) A review of all of the above at a meeting of the IEP team.

Physical restraint - a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely.

Prone restraint – The use of force, use of a physical device, or both, to hold a child face down or stomach down on the floor.

Repeal Chapter 30, SPECIAL EDUCATION, of Title 5-E DCMR, ORIGINAL TITLE 5, in its entirety.

Persons desiring to comment on this proposed rulemaking may attend the public hearings set forth above. Individuals wishing to testify at any of the public hearings listed above should contact Christie Weaver-Harris, Policy Manager, at 202-741-0470 or by e-mail at Christie.Weaver-Harris@dc.gov. Individuals representing themselves and presenting testimony will be limited to five (5) minutes; individuals representing an organization will be limited to a total presentation time of seven (7) minutes at each public hearing.

Persons may also file comments in writing by email osse.publiccomment@dc.gov or by postal mail or hand delivery to the Office of the State Superintendent of Education, Attn.: Christie Weaver-Harris re: Special Education NPR, 1050 First Street, N.E. 5th Floor Washington, D.C. 20002, not later than sixty (60) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address and on the Office of the State Superintendent of Education website at www.osse.dc.gov.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of her intent to take final rulemaking action to amend Chapter 42 (Dentistry) of Title 17 (Business, Occupations, and Professionals) 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 purpose of this rulemaking is to amend the continuing education requirements for dentists in the District of Columbia to include continuing education in public health priorities as determined and amended from time to time by the Director, reduce the required number of continuing education in ethics, and limit the number of internet continuing education hours that will be accepted.

Chapter 42, DENTISTRY, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4206, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

- 4206.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a license, subject to § 4206.2, beginning with the licensure period ending December 31, 2019, and for subsequent terms.
- 4206.2 This section shall not apply to applicants for an initial license by examination or endorsement, nor does it apply to applicants for the first renewal of a license granted by examination.
- 4206.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 4207.
- 4206.4 For the licensure period ending December 31, 2019, an applicant for renewal of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:
- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
 - (b) Two (2) hours of infection control in approved continuing education programs;

- (c) Two (2) hours of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4206.5 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of credit within the two-year (2) period preceding the date the license expires, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4206.6 For the licensure period ending December 31, 2019 and subsequent terms, each applicant for renewal, reactivation, or reinstatement of a license who is permitted by the Drug Enforcement Agency and the District of Columbia Pharmaceutical Control Division to prescribe controlled substances in the District shall complete two (2) hours of continuing education in the abuse and misuse of controlled substances, and in opioid prescription practices. This continuing education shall

be as part of the continuing education hours required under Subsection 4206.4 and 4206.5 of this chapter.

- 4206.7 Beginning with the licensure period ending December 31, 2021, not more than fifteen (15) continuing education units ("CEUs") for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.
- 4206.8 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.
- 4206.9 For the licensure period ending December 31, 2019, to qualify for a license, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11)), who submits an application to reactivate a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the applicant was inactive status beginning with the third year, which shall include at least:
- (a) Current cardiopulmonary resuscitation certification for health care providers ("CPR certification");
 - (b) Two (2) hours of infection control in approved continuing education programs;
 - (c) Two (2) hours of ethics in approved continuing education programs; and
 - (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).
- 4206.10 Beginning with the licensure period ending December 31, 2021, to qualify for a license, a person in inactive status within the meaning of pursuant to section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant's license and an additional fifteen (15) hours of

approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4206.11 For the licensure period ending December 31, 2019, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional twelve (12) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) Two (2) hours of ethics in approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or

question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4206.12 Beginning with the licensure period ending December 31, 2021, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4206.13 of having completed thirty (30) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant’s license and an additional fifteen (15) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include at least:

- (a) Current cardiopulmonary resuscitation certification for health care providers (“CPR certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4206.13 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;

- (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.
- 4206.14 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to § 4206.13 and by paying the required additional late fee.
- 4206.15 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 4206.16 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.
- 4206.17 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family.
- 4206.18 Unless otherwise specifically stated in this chapter, the Board shall not grant continuing education credits for:
- (a) Work done in the course of an applicant's normal occupation or incident to the performance of his or her regular professional duties, such as teaching didactic courses, research, or course preparation in the case of a teacher or professor;
 - (b) Meetings and activities not related to the administrative or clinical practice of dentistry; or
 - (c) Other activities, which are not of the type of activities approved by the Board.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of her intent to take final rulemaking action to amend Chapter 43 (Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) 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 purpose of this rulemaking is to amend the continuing education requirements for dental hygienists to include continuing education in public health priorities as determined and amended from time to time by the Director, increase the total number of continuing education hours required, and increase the cap on how many hours from approved Internet courses will be accepted.

Chapter 43, DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:**Section 4306, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:**

- 4306.1 Except as provided in § 4306.2, this section applies to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring December 31, 2019, and for subsequent terms.
- 4306.2 This section shall not apply to applicants for an initial license by examination or endorsement and shall not apply to applicants for the first renewal of a license granted by examination.
- 4306.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 4307.
- 4306.4 For the licensure period ending December 31, 2019, an applicant for renewal of a license shall submit proof pursuant to § 4306.10 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date the license expires, which shall include:
- (a) Current CPR certification for healthcare providers at the basic level;
 - (b) Two (2) hours of infection control training;
 - (c) One (1) hour of ethics in an approved continuing education program; and

- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4306.5 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a license shall submit proof pursuant to § 4306.10 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date the license expires, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4306.6 For the licensure period ending December 31, 2019, to qualify for a license, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11), who submits an application to reactivate a license shall submit proof pursuant to § 4306.10 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4306.7

Beginning with the licensure period ending December 31, 2021, to qualify for a license, a person in inactive status pursuant to Section 511 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.11) , who submits an application to reactivate a license shall submit proof pursuant to § 4306.10 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reactivation of that applicant’s license and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4306.8 For the licensure period ending December 31, 2019, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4306.10 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

4306.9 Beginning with the licensure period ending December 31, 2021, to qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 4306.10 of having completed twenty (20) hours of approved continuing education credit obtained within the two (2) year period preceding the date of the application for reinstatement of the applicant's license and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression ("LGBTQ") meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and

- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

4306.10 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

4306.11 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to § 4306.10 and by paying the required additional late fee.

4306.12 Upon submitting proof of having completed continuing education requirements and paying the late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.

4306.13 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of applicant's license, the license shall be considered to have lapsed on the date of expiration.

4306.14 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

- 4306.15 For the license period ending December 31, 2019, not more than eight (8) continuing education credits for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.
- 4306.16 Beginning with the license period ending December 31, 2021, not more than ten (10) continuing education credits for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.
- 4306.17 Internet courses and programs shall not be used to satisfy the continuing education CPR certification requirement.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of her intent to take final rulemaking action to amend Chapter 90 (Dental Assistants) of Title 17 (Business, Occupations, and Professionals) 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 purpose of this rulemaking is to amend the continuing education requirements for dental assistants to include continuing education in public health priorities as determined and amended from time to time by the Director, increase the total number of continuing education hours required, and allow for not more than five (5) continuing education hours to be completed through approved internet courses.

Chapter 90, DENTAL ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 9004, SCOPE OF PRACTICE, is amended by correcting the numbering in Subsection 9004.5 as follows:

- 9004.5 A dentist shall not delegate to a dental assistant any of the following procedures:
- (a) Those procedures excluded by 17 DCMR § 4215.1;
 - (b) A preliminary dental examination;
 - (c) A complete prophylaxis, including the removal of any deposits, diseased crevicular tissue, accretion, or stain from the surface of a tooth or a restoration;
-

Section 9007, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

- 9007.1 Except as provided in § 9007.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a dental assistant registration.
- 9007.2 This section shall not apply to applicants for the first renewal of a dental assistant registration.
- 9007.3 A continuing education credit shall be valid only if it is part of a program approved by the Board.

- 9007.4 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.
- 9007.5 A continuing education credit shall consist of at least sixty (60) minutes of instruction in an approved continuing education program.
- 9007.6 Beginning with the licensure period ending December 31, 2021, not more than five (5) continuing education credits for approved internet continuing education courses may be accepted in any renewal period, or for reinstatement or reactivation of a license.
- 9007.7 For the licensure period ending December 31, 2019, an applicant for renewal of a dental assistant registration shall:
- (a) Have completed seven (7) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:
 - (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
 - (2) Two (2) hours of infection control in approved continuing education programs;
 - (3) One (1) hour of ethics in an approved continuing education programs; and
 - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5));
 - (b) Attest to completion of the required continuing education credits on the renewal application form; and
 - (c) Be subject to a random audit.
- 9007.8 Beginning with the licensure period ending December 31, 2021, an applicant for renewal of a dental assistant registration shall:
- (a) Have completed ten (10) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:

- (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
 - (2) Two (2) hours of infection control in approved continuing education programs;
 - (3) One (1) hour of ethics in an approved continuing education programs;
 - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
 - (5) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website;
- (b) Attest to completion of the required continuing education credits on the renewal application form; and
 - (c) Be subject to a random audit.

9007.9

For the licensure period ending December 31, 2019, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of seven (7) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in an approved continuing education programs; and

- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)).

9007.10 Beginning with the licensure period ending December 31, 2021, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of ten (10) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in an approved continuing education programs;
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of Section 510(b)(5) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.10(b)(5)); and
- (e) At least ten percent (10%) of the total required continuing education shall be in the subjects determined by the Director as public health priorities of the District every five (5) years or less frequently, as deemed appropriate by the Director, with notice of the subject matter published in the *D.C. Register*. The Board shall disseminate the identified subjects to its licensees when determined by the Director via electronic communication and through publication on its website.

9007.11 Applicants for renewal of a registration shall only be required to prove completion of the required continuing education credits by submitting proof if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

9007.12 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60) days after the date of expiration by completing the application, submitting the

required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.

9007.13 If an applicant for renewal of a registration fails to renew the registration and pay the late fee within sixty (60) days after the expiration of applicant's registration, the registration shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired registration and meet all requirements and fees for reinstatement.

9007.14 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; and
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

9007.15 An extension granted under this section shall not exempt the dental assistant from complying with the continuing education requirements for any other renewal period.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be sent to the Department of Health, Phillip L. Husband, General Counsel, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002. Copies of the proposed rules and errata notice may be obtained during the hours of 9 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the address listed above, or by contacting Angli Black, Paralegal Assistant, at Angli.Black@dc.gov, (202) 442-5977.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING**RM29-2019-01, IN THE MATTER OF 15 DCMR CHAPTER 29-RENEWABLE ENERGY PORTFOLIO STANDARD-CLEANENERGY DC OMNIBUS AMENDMENT ACT OF 2018**

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2019 Repl.), hereby gives notice of its intent to amend Chapter 29 (Renewable Energy Portfolio Standard), of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after the publication of this Notice in the *D.C. Register*.

2. On May 3, 2019, the Commission published a Notice of Proposed Rulemaking (NOPR) in the *D.C. Register* (66 DCR 5703-5707), revising certain sections of its Renewable Energy Portfolio Standard (RPS) rules in accordance with the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act).¹ This Second NOPR supersedes the first NOPR published on May 3, 2019. The proposed amendments to Subsection 2901.5 require electricity suppliers to report information regarding: a) their energy supply contracts that were executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016,² and are not, therefore, subject to the increased solar compliance fees pursuant to that act in their annual RPS compliance reports; and b) their energy supply contracts that were executed prior to the March 22, 2019, effective date of the CleanEnergy Act, and are not, therefore, subject to the increased tier one and solar energy standards pursuant to that act in their annual RPS compliance reports.

3. Language has been added to Subsection 2901.5 to allow the compliance report form to be updated as needed by public notice and requiring each electricity supplier to report annually in its compliance report for the year following the compliance year that is the subject of the compliance report being filed, an estimate of the amount of compliance fees to be paid. The proposed amendments to Subsection 2901.7 change the deadline from April 1 to the period October 1 to November 1 for the submission of annual compliance fees. Subsection 2901.9 has been similarly revised to reflect this change. Subsection 2901.12 has been revised to reflect that energy supply contracts executed prior to the effective date of the CleanEnergy Act are not subject to the increased tier one and solar energy standards. Subsection 2901.13(c) has been revised to extend the three hundred dollars (\$300) compliance fee for each renewable energy credit (REC) shortfall for solar energy sources from 2029 through 2032 to 2029 through 2041, and provides for a one hundred-dollar (\$100) compliance fee for each REC shortfall for solar energy sources in 2042 and thereafter consistent with the CleanEnergy Act.

¹ *CleanEnergy DC Omnibus Amendment Act of 2018*, effective March 22, 2019 (*D.C. Law 22-257*).

² *Renewable Portfolio Standard Expansion Amendment Act of 2016*, effective October 8, 2016 (*D.C. Law 21-154*).

4. In addition, Subsection 2902.16 has been amended to reflect the change in the definition of a REC, pursuant to the CleanEnergy Act, which phases out the certification of renewable generators in adjacent PJM states and the eligibility of RECs produced by those generators. The proposed amendments to Subsection 2903.4 extend the life of solar RECs from three (3) years from the date of generation to five (5) years from the date of generation. Subsection 2903.4 has also been revised to reflect that, after December 31, 2028, the RECs that had been produced by renewable generators, on or before that date, that were certified as tier one sources located within an adjacent PJM state on or before March 22, 2019, the effective date of the CleanEnergy Act, shall be valid for the remainder of the three (3)-year period from the date of generation. Subsection 2903.4 has also been revised to reflect that the solar RECs produced by such facilities, on or before December 31, 2028, shall be valid for the remainder of the five (5)-year period from the date of generation. The proposed amendments to Subsection 2999.1 harmonize the definition of a REC with the act; revise the definitions of “Adjacent PJM State” and “PJM Interconnection region;” and add new terms and definitions for “Compliance Year;” “Energy Supply Contract;” and “PJM Interconnection, L.L.C.”

Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2901, RPS COMPLIANCE REQUIREMENTS, is amended as follows:

...

2901.5 Each Electricity Supplier must prepare and submit an annual compliance report to the Commission, in a format that may be updated pursuant to a Public Notice. The compliance report shall include, but shall not be limited to, the following information:

- (a) The quantity of its annual District of Columbia retail electricity sales;
- (b) A calculation of the annual quantity of required Tier One, Tier Two, and Solar Energy RECs;
- (c) The quantity of Tier One, Tier Two, and Solar Energy RECs purchased and evidence of those purchases;
- (d) The quantity of Tier One, Tier Two, and Solar Energy Credits transferred to the Electricity Supplier by a Renewable On-Site Generator;
- (e) A calculation of any compliance fees that the Electricity Supplier owes;
- (f) A summary report of RECs retired during the reporting period;
- (g) For Compliance Years 2019, 2020, and 2021 include:

- (1) The number of the energy supply contracts that were executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (D.C. Code § 34-1434, note);
 - (2) The length of each such energy supply contract; and
 - (3) The amount of electricity sold pursuant to each such energy supply contract for the current Compliance Year that is the subject of the compliance report being filed and an aggregated estimate of the amount of electricity to be sold pursuant to all such energy supply contracts for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021.
- (h) For Compliance Years 2019, 2020, and 2021 include:
- (1) The number of the energy supply contracts that were executed prior to March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (*D.C. Law 22-257*);
 - (2) The length of each such energy supply contract; and
 - (3) The amount of electricity sold pursuant to each such energy supply contract for the Compliance Year that is the subject of the compliance report being filed and an aggregated estimate of the amount of electricity to be sold pursuant to all such energy supply contracts for each Compliance Year through 2021. However, no estimates shall be required for inclusion in the compliance report for Compliance Year 2021;
- (i) For the year following the Compliance Year that is the subject of each compliance report being filed, an estimate of the amount of Compliance Fees to be paid;
 - (j) All documentation supporting the data appearing in the annual compliance report; and
 - (k) Certification of the accuracy and veracity of the compliance report.

...

2901.7 An Electricity Supplier’s annual compliance report shall be submitted to the Commission by April 1 of the calendar year following the Compliance Year. After notification of a decision of non-compliance by the Commission, the

supplier shall, within ten (10) calendar days, take the actions necessary to come into compliance, or file its response contesting the decision of non-compliance, or file a response indicating that it will submit the appropriate payment to the District of Columbia Department of Energy & Environment payable to the District of Columbia Renewable Energy Development Fund between October 1 and November 1 of the calendar year following the Compliance Year. The supplier shall concurrently file proof of payment with the Commission.

...

2901.9 Any Electricity Supplier that fails to meet its Renewable Energy Portfolio Standard requirements shall submit to the District of Columbia Department of Energy & Environment the required annual compliance fee payable to the District of Columbia Renewable Energy Development Fund between October 1 and November 1 of the calendar year following the Compliance Year. The supplier shall concurrently file proof of payment with the Commission.

...

- 2901.12 (a) Energy supply contracts executed prior to August 1, 2011, shall not be subject to the increased solar energy requirement established by the Distributed Generation Amendment Act of 2011 (*D.C. Law 19-36*); but any extension or renewal of such contracts, executed on or after August 1, 2011, shall be subject to the increased Solar Energy requirement as required by this act;
- (b) Energy supply contracts executed prior to October 8, 2016, the effective date of the Renewable Portfolio Standard Expansion Amendment Act of 2016 (*D.C. Law 21-154*), shall not be subject to the increased solar energy compliance fees as required by this act until October 8, 2021; but any extension or renewal of such contracts, executed on or after October 8, 2016, shall be subject to the increased solar energy compliance fee as required by that act; and
- (c) Energy supply contracts executed prior to March 22, 2019, the effective date of the CleanEnergy Act, shall not be subject to the increased Tier One and Solar Energy requirements required by the CleanEnergy Act through January 1, 2022; but any extension or renewal of such contracts, executed on or after March 22, 2019, shall be subject to the increased Tier One and Solar Energy requirements as required by the CleanEnergy Act.

2901.13 The Compliance Fee shall be:

- (a) Fifty dollars (\$50) for each REC shortfall for Tier One resources;
- (b) Ten dollars (\$10) for each REC shortfall for Tier Two resources; and

- (c) Three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2008; five hundred dollars (\$500) for each REC shortfall for Solar Energy resources in 2009 through 2023; four hundred dollars (\$400) for each REC shortfall for Solar Energy resources in 2024 through 2028; three hundred dollars (\$300) for each REC shortfall for Solar Energy resources in 2029 through 2041; and one hundred dollars (\$100) for each REC shortfall for Solar Energy resources in 2042 and thereafter.

Section 2902, GENERATOR CERTIFICATION AND ELIGIBILITY, is amended as follows:

...

2902.16 As of March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (*D.C. Law 22-257*), Tier One or Tier Two sources located within an Adjacent PJM State shall not be eligible for certification as qualified sources by the Commission. After December 31, 2019, a generating facility certified as a Tier Two renewable source shall not be eligible to generate RECs for the District of Columbia’s RPS program. After January 1, 2029, a generating facility that was certified, as of March 22, 2019, the effective date of the CleanEnergy Act, as a Tier One source located within an Adjacent PJM State, shall not be eligible to generate RECs for the District of Columbia’s RPS program.

...

Section 2903, CREATION AND TRACKING OF RENEWABLE ENERGY CREDITS, is amended as follows:

...

2903.4 (a) RECs shall be valid for a three-year period from the date of generation, except that Solar RECs produced by Solar Energy systems which meet the requirements of D.C. Official Code § 34-1432(e)(1) and which may, therefore, be used to meet the Solar Energy portion of the Tier One requirement shall be valid for a five (5)-year period from the date of generation. These Solar RECs shall be valid for a five (5)-year period from the date of generation provided they were generated as of or after March 22, 2019, the effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (CleanEnergy Act) (*D.C. Law 22-257*). A newly certified Renewable Generator can produce RECs starting from January 1st of the year in which it was certified, except that any Renewable Generator certified in January of any year can produce RECs starting January 1st of the year before that certification.

- (b) After December 31, 2028, the RECs that had been produced by generating facilities, on or before that date, that were certified as a Tier One source located within an Adjacent PJM State on or before March 22, 2019, the effective date of the CleanEnergy Act, shall be valid for the remainder of the three (3)-year period from the date of generation. The Solar RECs produced by such facilities, on or before December 31, 2028, shall be valid for the remainder of the five (5)-year period from the date of generation.

...

Section 2999, DEFINITIONS, is amended as follows:

2999.1 For the purposes of this chapter, the following terms and phrases have the following meanings:

Adjacent PJM State – Alabama, Arkansas, Georgia, Iowa, Mississippi, Missouri, New York, South Carolina, and Wisconsin are deemed to be adjacent to the PJM Interconnection Region as are those portions of Illinois, Indiana, Kentucky, Michigan, North Carolina, Tennessee, and Virginia which are not within the PJM Interconnection region.

...

Compliance Year – the calendar year for which the electricity supplier seeks to establish compliance with the District of Columbia’s renewable energy portfolio standard by filing a compliance report.

...

Energy Supply Contract – a contract between an electricity supplier and a customer for the retail sale of electricity.

...

PJM Interconnection, L.L.C. – the regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states and the District of Columbia and is regulated by the Federal Energy Regulatory Commission.

PJM Interconnection region – the area within which the movement of wholesale electricity is coordinated by the PJM Interconnection, L.L.C. This area includes all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.

...

Renewable Energy Credit or REC – a credit representing one megawatt hour (1 MWh) of energy produced by Tier One or Tier Two renewable source located within the PJM Interconnection region; or until January 1, 2029, a Tier One or Tier Two renewable source located within an Adjacent PJM State that was certified by the Commission as of March 22, 2019, effective date of the CleanEnergy DC Omnibus Amendment Act of 2018 (*D.C. Law 22-257*).

...

5. Any person interested in commenting on the subject matter of this proposed rulemaking action may submit written comments not later than thirty (30) days after publication of this notice in the *D.C. Register* to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or electronically on the Commission's website at https://edocket.dcpSC.org/public/public_comments. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpSC.org or at cost, by contacting the Commission Secretary at the address provided above. Persons with questions concerning this NOPR should call (202) 626-5150 or send an email to psc-commissionsecretary@dc.gov.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211 (2012 Repl. & 2019 Supp.)) and D.C. Official Code §§ 25-351, *et seq.* (2012 Repl.), hereby gives notice of the intent to amend, on an emergency basis, Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR), by amending Section 307 (West Dupont Circle Moratorium Zone).

The emergency rulemaking would (1) maintain the cap of zero (0) for retailer's licenses, class CN and DN, within six hundred feet (600 ft.) in all directions from 21st and P Streets, N.W. and (2) create an exemption from the moratorium zone for the "Dupont Underground"; a District-owned former streetcar station located below Square 114E Lot 0800 and below the right of way of Dupont Circle, N.W. and Connecticut Avenue, N.W. and surrounding streets.

BACKGROUND

The West Dupont Circle Moratorium Zone (WDMZ) has been in effect since 1994. The original WDMZ prohibited the issuance of all alcohol retailer licenses, including restaurants, taverns, and nightclubs. The only exception to this prohibition was for hotel licenses.

The Board has amended the regulation several times since its initial adoption. Most recently, the Board amended the moratorium in 2016 by removing the cap on retailer's licenses, classes A, B, CT, DT, CX, and DX; but retained the cap on nightclub licenses (CN and DN). The 2016 moratorium was effective for three (3) years.

The 2016 moratorium is set to expire on October 27, 2019. In advance of the expiration of the moratorium, Advisory Neighborhood Commission 2B (ANC 2B) submitted a resolution to the Board on June 19, 2019, requesting that it extend the moratorium for an additional three (3) years. Specifically, ANC 2B requested that the Board maintain the existing cap of zero (0) on nightclub licenses located within six hundred feet (600 ft.) of 21st and P Streets, N.W. The ANC did request one (1) modification to the current moratorium, however. ANC 2B sought an exemption from the moratorium for the area known as the "Dupont Underground"; a District-owned former streetcar station located below Square 114E Lot 0800 and below the right of way of Dupont Circle, N.W. and Connecticut Avenue, N.W. and surrounding streets.

On July 24, 2019, the ABC Board held a public hearing for purposes of receiving comments from the public on the future of the WDMZ. In addition to the persons that testified at the hearing, the Board also allowed interested parties to submit written comments.

On August 7, 2019, the Board adopted the *West Dupont Moratorium Zone Notice of Proposed Rulemaking*. The proposed rulemaking sought to continue the moratorium for three (3) years, as

the ANC requested, as well as to create an exemption for the “Dupont Underground”. The proposed rulemaking was published in the *D.C. Register* on September 27, 2019, at 66 DCR 12748, for public comment.

The comment period ended on October 27, 2019, which is the same day that the moratorium would expire. There is significant community concern about the moratorium lapsing before the final rules go into effect. The community supports the emergency action the Board has taken as the emergency rulemaking contains the proposed changes to the moratorium zone that they requested. As such, emergency action is necessary for purposes of ensuring the moratorium, as modified, remains in effect pending Council review and the Board adopting final rules.

For the aforementioned reasons, the Board finds the adoption of the emergency rulemaking essential to promoting the public health, welfare, and safety of the community. Therefore, the Board gives notice that on October 23, 2019, it has adopted the West Dupont Circle Moratorium Zone Notice of Emergency Rulemaking by a vote of five (5) to zero (0). The emergency rulemaking shall remain in effect for one hundred twenty (120) days, expiring on February 20, 2020. The Board did not make any changes to the rulemaking since it was published as proposed on September 27, 2019.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 307, WEST DUPONT CIRCLE MORATORIUM ZONE, is amended in its entirety to read as follows:

307 WEST DUPONT CIRCLE MORATORIUM ZONE

307.1 A limit shall exist on the number of retailer's licenses issued in the area that extends approximately six hundred feet (600 ft.) in all directions from the intersection of 21st and P Streets, N.W., Washington, D.C., as follows: Class CN or DN - Zero (0). This area shall be known as the West Dupont Circle Moratorium Zone.

307.2 The West Dupont Circle Moratorium Zone is more specifically described as the area bounded by a line beginning at 22nd Street and Florida Avenue, N.W.; continuing north on Florida Avenue, N.W., to R Street, N.W.; continuing east on R Street, N.W., to 21st Street, N.W.; continuing south on 21st Street, N.W., to Hillyer Place, N.W.; continuing east on Hillyer Place, N.W., to 20th Street, N.W.; continuing south on 20th Street, N.W., to Q Street, N.W.; continuing east on Q Street, N.W., to Connecticut Avenue, N.W.; continuing southeast on Connecticut Avenue, N.W., to Dupont Circle; continuing southwest around Dupont Circle to New Hampshire Avenue, N.W.; continuing southwest on New Hampshire Avenue, N.W., to N Street, N.W.; continuing west on N Street, N.W., to 22nd Street, N.W.; and continuing north on 22nd Street, N.W., to Florida Avenue, N.W. (the starting point).

- 307.3 Square 114E Lot 0800 and below the right of way of Dupont Circle, N.W. and Connecticut Avenue, N.W. shall be exempt from the West Dupont Circle Moratorium Zone.
- 307.4 All hotels, whether present or future, shall be exempt from the West Dupont Circle Moratorium Zone. The 1500 block of Connecticut Avenue, N.W., shall be exempt from the West Dupont Circle Moratorium Zone. Establishments located in, or to be located in, the New Hampshire side of One Dupont Circle, N.W., shall be exempt from the West Dupont Circle Moratorium Zone.
- 307.5 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class A, B, CR, CT, CX, DR, DT, or DX located within the West Dupont Circle Moratorium Zone, subject to the requirements of the Act and this title.
- 307.6 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the West Dupont Circle Moratorium Zone to a new location within the West Dupont Circle Moratorium Zone.
- 307.7 A CN/DN license holder outside the West Dupont Circle Moratorium Zone shall not be permitted to transfer its license to a location within the West Dupont Circle Moratorium Zone.
- 307.8 Subject to the limitation set forth in subsection 307.9, nothing in this section shall prohibit the filing of a license application or a valid protest of any transfer or change of license class.
- 307.9 No licensee in the West Dupont Circle Moratorium Zone shall be permitted to request a change of license class to CN, or DN.
- 307.10 A current holder of a retailer's license Class A, B, C, or D within the West Dupont Moratorium Zone shall not be permitted to apply to the Board for expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot, unless:
- (a) The prior owner or occupant has held within the last five (5) years a retailer's license Class A, B, C, or D; or
 - (b) The applicant is a Class CR or DR licensee and the prior owner or occupant has held during the last three (3) years, and continues to hold at the time of application, a valid restaurant license from the Department of Consumer and Regulatory Affairs.
- 307.11 The number of substantial change applications approved by the Board for expansion of service or sale of alcoholic beverages into an adjoining or adjacent

space, property, or lot, as allowed under subsection 307.9, shall not exceed three (3) during the three (3) year period of the West Dupont Circle Moratorium Zone.

307.12 Nothing in this section shall prohibit holders of a retailer's license Class C or D from applying for outdoor seating in public space.

307.13 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2019-113
November 5, 2019

SUBJECT: Reappointment – Chesapeake Bay Scientific and Technical Advisory Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), in accordance with the Chesapeake Bay Agreement of December 9, 1983, as amended (signed by the Mayor of the District of Columbia, the Governors of Virginia, Pennsylvania and Maryland, the Chesapeake Bay Commission, and the United States Environmental Protection Agency), and pursuant to Article III, Section A(5)(a) of the Scientific and Technical Advisory Committee Bylaws and Operational Guidelines, it is hereby **ORDERED** that:

1. **CHANCEE LUNDY** is reappointed as a member of the Chesapeake Bay Scientific and Technical Advisory Committee, for a term to end April 24, 2023.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



 MURIEL BOWSER
 MAYOR

ATTEST: 

 KIMBERLY A. BASSETT
 SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2019-114
November 5, 2019

SUBJECT: Appointments — Advisory Board on Veterans Affairs for the District of Columbia

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to Mayor's Order 2001-92, dated June 22, 2001, as amended by Mayor's Order 2002-142, dated August 19, 2002, it is hereby **ORDERED** that:

1. The following persons are appointed as members to the Advisory Board on Veterans Affairs for the District of Columbia ("**Board**"), to serve at the pleasure of the Mayor:
 - a. **PAUL HARASTY**, replacing Luke Dier;
 - b. **NACHEE MILLER**, replacing Allieu Kamara; and
 - c. **KYLE SMITZ**, replacing Joel Spangenberg.
2. **SHAY RANGEL** is designated as Chairperson of the Board, to serve in this capacity at the pleasure of the Mayor.
3. **NACHEE MILLER** is designated as Vice-Chair of the Board, to serve in this capacity at the pleasure of the Mayor.

4. EFFECTIVE DATE: This Order shall become effective immediately.


MURIEL BOWSER
MAYOR

ATTEST: 
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

**DC COMMISSION ON THE ARTS AND HUMANITIES
NOTICE OF FUNDING AVAILABILITY**

FY 2020 Grant Opportunity – LiftOff

The DC Commission on the Arts and Humanities (CAH) announces the availability of the fiscal year 2020 LiftOff grant program. LiftOff supports professional development and capacity building for arts and humanities nonprofit organizations with budgets under \$250,000. Grantees receive technical assistance with independent consultants and funding to support infrastructural capacity.

CAH's mission is to provide grants, programs and educational activities that encourage diverse artistic expressions and learning opportunities, so that all District of Columbia residents and visitors can experience the rich culture of our city.

Organizational applicants must be registered in the District, headquartered with a land address in DC and have nonprofit status for at least one year prior to the application deadline in addition to other eligibility criteria detailed in the program's guidelines. All applicants must meet with individual and business regulatory compliance.

All eligible applications are reviewed through a competitive process. CAH will publish evaluation criteria and eligibility requirements in its forthcoming guidelines.

The Request for Applications (RFA) will be available electronically beginning November 18, 2019 on the CAH website at <http://dcarts.dc.gov/>. Applicants must apply online. The deadline for applications is December 13, 2019. Requests for reasonable accommodations should be submitted at least seven days prior to an application deadline.

Technical assistance workshops will be offered throughout the application period to provide service to applicants.

For more information, please contact:

David Markey
Interim Senior Grants Officer
DC Commission on the Arts and Humanities
200 I (Eye) St. SE
Washington, DC 20003
(202) 671-1354 or david.markey@dc.gov

CESAR CHAVEZ PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Information Technology Support Services**

Cesar Chavez Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for comprehensive Information Technology Services, including:

- On-site and off-site technology services & consulting
- Support the school's technology needs with IT planning installation, monitoring, maintenance, repair, and professional development

Questions and proposals may be e-mailed to procurement@chavezschools.org with the subject line "Technology RFP" service. Deadline for submissions is **5:00 pm November 15th**.

Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

E-mail is the preferred method for responding but you can also mail proposals and supporting documents to the following address:

Cesar Chavez Public Charter School
Attn: Business Office
3701 Hayes Street NE
Washington, DC 20019

DC SCHOLARS PUBLIC CHARTER SCHOOL**INVITATION FOR BID****Tax Exempt Bond Counsel**

RFP for Tax Exempt Bond Legal Services: The purpose of this Request for Proposal is to solicit competitive proposals from qualified legal professionals to represent DC Scholars Public Charter School on the refinancing of approximately \$20MM in existing debt on their facility utilizing tax exempt bonds issued through the District of Columbia, or any other alternative financing solution. Please email our financial advisor with Building Hope at rmoreno@bhope.org for the full RFP. Proposals are due no later than 12:00PM on November 22, 2019.

DISTRICT OF COLUMBIA DEVELOPMENTAL DISABILITIES COUNCIL

NOTICE OF FUNDING AVAILABILITY (NOFA)

FISCAL YEAR 2020 (FY20)

Innovative Grants

The DC Developmental Disabilities Council (DDC) is a Mayoral appointed body established in accordance with the mandates of the D.C. Developmental Disabilities Basic State Grant Program. This grant program has as its legislative authority Public Law 106-402, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. The DDC promotes systemic change, capacity building and advocacy activities in efforts to promote a consumer and family-centered, comprehensive system, and a coordinated array of services, supports, and other assistance for individuals with developmental disabilities and their families.

The DDC is soliciting applications for FY20 Innovation Grants. The purpose of these grants is to support creative ideas in our DC community that will build inclusive communities where people with and without disabilities thrive together.

Eligibility: Qualified public and private entities, nonprofit organizations, education institutions, community-based organizations, faith-based organizations, and fiscally sponsored unincorporated groups.

Award Period: Grant awards will be made in early FY20 and last through September 30, 2020.

Available Funding: The DDC has up to \$50,000 in available funding and anticipates awarding 3 to 5 grants.

Release Date of Request for Applications (RFA) is Wednesday, November 13, 2019.

The DDC will have the complete RFA available for pickup at the DDC office at 441 4th Street NW, Suite 729N and on the internet at <https://ddc.dc.gov> and at <https://opgs.dc.gov/page/opgs-district-grants-clearinghouse> Wednesday, November 13, 2019.

The Request for Applications (RFA) submission deadline is 5:00 pm on Friday, December 13, 2019. The DDC will facilitate one pre-application conference call on Friday, November 8, 2019 from 1:00 pm - 2:00 pm at 866-624-8591, passcode: 2413505.

For additional information regarding this competition, including to request reasonable accommodations for the conference call or other parts of the application process, please contact Alison Whyte, Executive Director via email at alison.whyte@dc.gov or by phone at 202-727-8005.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there are vacancies in two (2) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 5A06 and 5C03

Petition Circulation Period: **Tuesday, November 12, 2019 thru Monday, December 2, 2019**

Petition Challenge Period: **Thursday, December 5, 2019 thru Wednesday, Dec. 11, 2019**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
1015 Half Street, SE, Suite 750
Washington, DC 20003**

For more information, the public may call **727-2525**.

BOARD OF ELECTIONS**CERTIFICATION OF FILLING ANC/SMD VACANCY**
CORRECTED NOTICE

This notice corrects an error in the notice of Certification of Filling ANC/SMD Vacancy published in the *D.C. Register* on October 18, 2019 at 66 DCR 013816.

The notice incorrectly listed filling a vacancy in **ANC/SMD 6E04** instead of **ANC/SMD 1C04**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commissions

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections “Board” from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

John V. Zottoli
Single-Member District 1C04

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF REQUEST FOR PROPOSAL**

Friendship Public Charter School is seeking bids from prospective candidates to provide:

- **Catering and Event Support Services** -To included but not limited to, catering, décor, & furniture rental.

The full scope of work will be posted in a competitive Request for Proposal that can be found on FPCS website at <http://www.friendshipschools.org/procurement/>. Proposals are due no later than 4:00 P.M., EST, **Friday, November 15th, 2019**. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE OF PROPOSED SUBMISSION OF AN AMENDMENT TO THE
MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER FOR THE
ELDERLY AND PERSONS WITH PHYSICAL DISABILITIES**

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2016 Repl. & 2018 Supp.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2018 Repl.)), hereby gives notice of the intent to submit an amendment to the District Medicaid Program's Home and Community-Based Services (HCBS) Waiver for the Elderly and Persons with Physical Disabilities (EPD Waiver) to the Centers for Medicare and Medicaid Services (CMS) for review and approval.

DHCF is seeking CMS approval of an EPD waiver amendment that proposes updates to specific services and changes to improve the coordination of services across the waiver program, which would be effective April 4, 2020 if approved. DHCF is proposing a waiver amendment that will remove underutilized services, extend coverage of certain services by reclassifying as state plan benefits, modify the service delivery provisions for personal care aide (PCA) services and community transition services (CTS), change the frequency of staff-administered participant/representative employer satisfaction surveys in the participant-directed services program, clarify limitations on waiver participation, update caseload restrictions for case managers, and edit performance measures used to assess compliance with the waiver's assurances.

The proposed EPD waiver amendment and a corresponding summary will be published on the DHCF website at <http://dhcf.dc.gov/epd-waiver-amendment> on Friday, November 8, 2019. The District's thirty (30) day public comment period will be open from November 8, 2019 through December 9, 2019 at 6:00 PM.

Interested parties may submit written comments concerning the proposed amendment to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, or via email at dhcfpubliccomments@dc.gov.

An electronic copy of the proposed waiver amendment may be obtained on the DHCF website at <http://dhcf.dc.gov/epd-waiver-amendment>. A printed copy of the proposed waiver amendment is available for viewing upon request at Department of Health Care Finance Main Entrance, 441 4th Street NW, 9th Floor South, Washington D.C. 20001.

DHCF will hold a public meeting during the comment period, where written and oral comments on the proposed amendment will be accepted. Scheduling information for the public meeting will

be posted to the DHCF website at <http://dhcf.dc.gov/epd-waiver-amendment> and is also detailed below.

The public meeting will take place on **Wednesday, December 4, 2019 from 2:30 to 4:00 PM in the Main Street Conference Room (#1028) on the 10th Floor of 441 4th Street NW**. Please note that picture identification is required to enter the building.

Individuals can join the public meeting by phone by dialing 1-650-479-3208 and using the access code 731 781 405, or by web conference by going to <https://dcnet.webex.com/dcnet/j.php?MTID=m378f7f9df35987af482750dfb07780a9> and using the password bPS2qRnp.

For further information, please contact Ieisha Gray, Director, Long Term Care Administration, at ieisha.gray@dc.gov, or visit the DHCF website at <http://dhcf.dc.gov/epd-waiver-amendment>.

**DEPARTMENT OF HEALTH (DC HEALTH)
HIV/AIDS HEPATITIS STD & TB ADMINISTRATION (HAHSTA)
NOTICE OF FUNDING AVAILABILITY (NOFA)
RFA# IHRP 11.22.19**

**Engaging and Empowering Communities by Building Capacity to
Implement Harm Reduction Programs**

The District of Columbia, Department of Health (DC Health) is soliciting applications from qualified applicants to services in the program and service areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DC Health terms and conditions for applying for and receiving funding.

General Information:

| | |
|--------------------------------|---|
| Funding Opportunity Title: | Engaging and Empowering Communities by Building Capacity to Implement Harm Reduction Programs |
| Funding Opportunity Number: | FO-HAHSTA-PG-00003-001 |
| Program RFA ID#: | RFA # IHRP 11.22.19 |
| Opportunity Category: | Competitive |
| DC Health Administrative Unit: | HIV/AIDS, Hepatitis, STD and TB Administration |
| DC Health Program Bureau | Prevention and Intervention Services Bureau |
| Program Contact: | Jonjelyn Gamble, Program Manager (202) 671-5060 Jonjelyn.Gamble@dc.gov |
| Program Description: | DC Health will fund a three-year capacity building initiative to support small community-based organizations and other non-profits interested in developing and sustaining successful harm reduction and opioid overdose reduction program models that address the needs of persons who use and/or inject drugs. Through this harm reduction capacity-building funding opportunity, DC Health will fund three areas: <ul style="list-style-type: none"> • Technical Assistance/ Capacity-Building Provider • Grants to support recipients of Capacity-Building • Peer-Led Harm Reduction Coalition |
| Eligible Applicants | 501(c) (3) Not- for profit organizations located and licensed to conduct business in the District of Columbia. Applicants may be individual organizations or a partnership/collaboration of multiple organizations, one of which must serve as the fiscal agent or the organization that will take overall responsibility of the fiscal and grant-related requirements. |
| Anticipated # of Awards: | Up to 12 |

| | |
|-------------------------------|--------------|
| Anticipated Amount Available: | \$600,000.00 |
| Floor Award Amount: | \$30,000.00 |
| Ceiling Award Amount: | \$200,000.00 |

Funding Authorization

| | |
|--|---|
| Legislative Authorization | Federal Funds |
| Associated CFDA# | 93.136 |
| Associated Federal Award ID# | 1NU17CE925008-01-00 |
| Cost Sharing / Match Required? | No |
| RFA Release Date: | Friday, November 22, 2019 |
| Pre-Application Meeting (Date) | Tuesday, December 3, 2019 |
| Pre-Application Meeting (Time) | 1:00pm-2:30pm |
| Pre-Application Meeting (Location/Conference Call Access) | 899 North Capitol Street, NE 4 th Floor Washington, DC 20002 |
| Letter of Intent Due date: | Not applicable |
| Application Deadline Date: | Thursday, January 9, 2020 |
| Application Deadline Time: | 6:00 PM |
| Links to Additional Information about this Funding Opportunity | DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse . DC Health EGMS https://dcdoh.force.com/GO_ApplicantLogin2 |

Notes:

1. DC Health reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DC Health grant funding.
4. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DC Health is located in a secured building. Government issued identification must be presented for entrance.

**I DREAM PUBLIC CHARTER SCHOOL
REQUESTS FOR PROPOSALS**

Finance, Accounting, Human Resources, and Student Data

I Dream Public Charter School requests proposals for the following:

- Finance, Accounting, Human Resources, and Student Data services during the school's planning year

Proposals should be emailed as PDF documents no later than 5pm on Friday, November 15th, 2019. Contact: jgomez@idreampcs.org

Special Education and Wellness Consulting

I Dream Public Charter School requests proposals for the following:

- Special Education and Wellness Consulting

Proposals should be emailed as PDF documents no later than 5pm on Friday, November 15th, 2019. Contact: jgomez@idreampcs.org

School Leader Consultant

I Dream Public Charter School requests proposals for the following:

- School leader consultant

Proposals should be emailed as PDF documents no later than 5pm on Friday, November 15th, 2019. Contact: jgomez@idreampcs.org

Government of the District of Columbia
Public Employee Relations Board

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| In the Matter of: | |) |
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| American Federation of | |) |
| Government Employees, Local 631 | |) |
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| | Petitioner |) |
| | |) |
| | v. |) |
| | |) |
| | |) |
| Office of Labor Relations and | |) |
| Collective Bargaining | |) |
| | |) |
| | Respondent |) |
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PERB Case No. 19-I-02
Opinion No. 1721
Motion for Reconsideration

DECISION AND ORDER

I. Statement of the Case

On August 6, 2019, the American Federation of Government Employees, Local 631 (AFGE) filed a Motion for Reconsideration (Motion) of the Board’s Decision.¹ The Board found that there was an issue of negotiability in AFGE’s proposal presented in its Request for Impasse. AFGE claims that the Board erred in finding a negotiability issue. OLRCB’s opposition to the motion was untimely.²

Upon review of the record, the Motion is denied.

¹ *AFGE, Local 631 v. OLRCB*, Slip Op. No. 1717, PERB Case No. 19-I-02 (July 18, 2019).
² On August 15, 2019, the Office of Labor Relations and Collective Bargaining (OLRCB) filed an untimely Opposition to the Motion for Reconsideration. The Opposition to the Motion will not be considered by the Board. Under Board Rule 553.2, any response to a written motion must be filed within seven (7) calendar days after service of the motion. Since the Motion for Reconsideration was filed on August 6, 2019, and the Opposition to the Motion was filed on August 15, 2019, the Opposition to the Motion is untimely as it was filed nine (9) days after service.

Decision and Order
PERB Case No. 19-I-02
Page 2

II. Background

On February 25, 2019, the District of Columbia implemented the Automated Dues Processing (ADP) initiative.³ Under AFGE's collective bargaining agreement, members currently authorize dues deduction using a specific D.C. Form 277, which requests members to provide, among other things, their nine-digit Social Security Numbers and their home addresses. Members provide a completed form to a union representative, who then forwards the form to OLRCB.

On March 25, 2019, AFGE submitted a proposal related to the ADP initiative to OLRCB.⁴ The proposal required OLRCB to request the same information on the automated system as is required on the D.C. Form 277 and transmit the information to AFGE after dues authorization was completed. OLRCB did not respond to the proposal. On May 8, 2019, AFGE submitted a letter to OLRCB declaring an impasse. On May 9, 2019, OLRCB responded by letter to AFGE denying the existence of an impasse and rejecting the March 25, 2019 proposal on two grounds. OLRCB asserted that the parties were engaged in impact and effects bargaining related to the implementation of the ADP initiative. Further, OLRCB stated that the proposal was nonnegotiable.

On July 18, 2019, the Board found that there were two issues in dispute: (1) whether the implementation of the ADP initiative was a mandatory subject of bargaining, and (2) whether AFGE's proposal was negotiable. The Board concluded, under D.C. Code §1-617.07, that the ADP initiative was a mandatory subject of bargaining and subject to the impasse proceedings of Board Rule 527. The Board found that the parties had engaged in a reasonable period of negotiations and had reached an impasse. The Board further determined that the parties disagreed on the negotiability of AFGE's proposal. The Board, pursuant to Board Rule 532.1, ordered AFGE to either withdraw the challenged issue or file a negotiability appeal with the Board.⁵

III. Discussion

In a motion for reconsideration, the moving party must provide authority that compels the reversal of the initial decision.⁶ Absent such authority, the Board will not overturn its decision.⁷

AFGE argues that the Board's finding that the contract proposal involved an issue of negotiability is contrary to law and Board precedent, because OLRCB did not provide a written statement declaring a proposal nonnegotiable.⁸

³ *AFGE, Local 631 v. OLRCB*, Slip Op. No. 1717 at 2, PERB Case No. 19-I-02 (July 18, 2019).

⁴ *Id.*

⁵ *AFGE, Local 631 v. OLRCB*, Slip Op. No. 1717 at 2, PERB Case No. 19-I-02 (July 18, 2019).

⁶ *FOP/MPD Labor Comm. v. MPD*, 65 D.C. Reg. 6430, Slip Op. No. 1661, PERB Case No. 17-U-26 (20018). *See also, AFSCME District Council 20, Local 292 v. DCPS*, 62 D.C. Reg. 9200, Slip Op. No. 1518 at p. 3-4, PERB Case No. 12-E-10 (2015); *FOP/MPD Labor Comm. v. MPD*, Slip Op. No. 1554 at 8-9, PERB Case No. 11-U-17 (Nov. 19, 2015); *Rodriguez v. MPD*, 59 D.C. Reg. 4680, Slip Op. No. 954 at 12, PERB Case No. 06-U-38 (2010).

⁷ *FOP/MPD Labor Comm. v. MPD*, 65 D.C. Reg. 6430, Slip Op. 1661, PERB Case No. 17-U-26 (20018).

⁸ Motion for Reconsideration at 3.

Decision and Order
PERB Case No. 19-I-02
Page 3

AFGE's argument regarding a written statement of non-negotiability is unsupported by the record. On May 9, 2019, OLRCB responded by letter to AFGE's declaration of impasse,⁹ and OLRCB asserted that it is nonnegotiable for the District to provide personal identifiable information of employees as required by the March 25, 2019 proposal.¹⁰

Although OLRCB declared AFGE's proposal nonnegotiable after the declaration of impasse, the declaration of non-negotiability was valid. The parties continued to have a meaningful opportunity to engage in collective bargaining, and the May 9, 2019 letter, clearly and unambiguously, provided an objection to the March 25, 2019, proposal as an infringement on management's right to determine internal security practices.¹¹

IV. Conclusion

The Board finds that AFGE's Motion for Reconsideration fails to assert any legal grounds that compel reversal of PERB Case 19-I-02. Therefore, the Motion for Reconsideration is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Reconsideration is hereby denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Charles Murphy, Members Ann Hoffman, Douglas Warshof, and Mary Ann Gibbons.

Washington, D.C.
September 12, 2019

⁹ Motion to Dismiss Ex. C.

¹⁰ Motion to Dismiss Ex. C.

¹¹ *UDCFA v. UDC*, 59 D.C. Reg. 6481, Slip Op. No. 1104, PERB Case No. 09-N-02 (2012).

Certificate of Service

This is to certify that the attached Decision and Order in PERB Case No. 19-I-02MFR, Slip Op.1721, was sent by File and ServeXpress to the following parties on this the 13th day of September 2019.

Barbara B. Hutchinson
AFGE Local 631
1325 G Street, NW, Suite 500
Washington, D.C. 20005

Adessa A. Barker
D.C. Office of Labor Relations
and Collective Bargaining
441 4th Street, NW, Suite 820N
Washington, D.C. 20001

/s/ Royale Simms
Public Employee Relations Board
1100 4th Street, SW, Suite E630
Washington, D.C. 200024
Telephone: 202-727-1822

Government of the District of Columbia
Public Employee Relations Board

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| In the Matter of: | |) | |
| | |) | |
| Fraternal Order of Police/ | |) | |
| Metropolitan Police Department | |) | |
| Labor Committee | |) | |
| | |) | PERB Case No. 19-A-09 |
| | |) | |
| | Petitioner |) | |
| | |) | Opinion No. 1725 |
| | v. |) | |
| | |) | |
| Metropolitan Police Department | |) | |
| | |) | |
| | Respondent |) | |
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DECISION AND ORDER

I. Statement of the Case

On August 14, 2018, the District of Columbia Metropolitan Police Department (MPD) filed an Arbitration Review Request of an arbitration award (Award) that sustained the grievance filed by the Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP).¹ The Arbitrator found that MPD failed to timely commence an adverse action against Officer Brian Glover (Grievant) within ninety (90) days of when MPD knew or should have known of the Grievant’s alleged misconduct, in violation of D.C. Official Code § 5-1031(a) (90-day rule). On March 21, 2019, the Board issued a Decision and Order (Opinion No. 1702) granting MPD’s Arbitration Review Request and remanded the case to the Arbitrator.² On May 27, 2019, the Arbitrator issued an award on remand (Remand Award) in compliance with the Board’s Order in Opinion No. 1702. On June 14, 2019, FOP filed this Arbitration Review Request (Request) and asserts that the Remand Award is, on its face, contrary to law and public policy.³

In accordance with D.C. Official Code § 1-605.02(6), the Board is permitted to modify, set aside, or remand an arbitration award in three narrow circumstances: (1) if the arbitrator was without, or exceeded his or her jurisdiction; (2) if the award, on its face, is contrary to law and

¹ Request at 2.

² *MPD v. FOP/MPD*, 66 D.C. Reg. 6056, Slip Op. No. 1702, PERB Case No. 18-A-17 (2018).

³ Request at 9.

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PERB Case No. 19-A-09
Page 2

public policy; or (3) if the award was procured by fraud, collusion or other similar and unlawful means.⁴

Having reviewed the Arbitrator's conclusions, the pleadings of the Parties and applicable law, the Board concludes that the Award is not, on its face, contrary to law and public policy. For the reasons stated herein, the Board denies FOP's request.

II. Background and Arbitration's Award

As discussed in Opinion No. 1702, FOP invoked arbitration in this matter after MPD's Adverse Action Panel found the Grievant guilty of four charges of misconduct and recommended termination as the appropriate penalty.⁵ The Arbitrator found that MPD violated D.C. Official Code § 5-103 (90-day rule). Based on this finding, the Arbitrator reversed the Grievant's termination, which resulted in MPD filing an arbitration review request of the award.⁶

In Opinion No. 1702, the Board found that the Arbitrator stopped the tolling for the 90-day rule prior to the conclusion of the criminal investigation. The Board concluded that the Arbitrator's interpretation conflicted with the statute, and that the award was contrary to law and public policy.⁷ The Board set aside the Arbitrator's determination that MPD violated the 90-day rule, and stated, "The Board finds that the disciplinary action was timely."⁸ The Board then remanded the award back to the Arbitrator for a decision on (1) whether the evidence presented by MPD was sufficient to support the charges, and (2) whether termination was the appropriate penalty for the alleged violations.⁹

On remand, the Arbitrator found, in accordance with Opinion No. 1702, that MPD timely served the Notice of Proposed Adverse Action.¹⁰ The Arbitrator went on to find that the Adverse Action Panel did have substantial and sufficient evidence for a charge of guilty for one of the four charges against the Grievant. The Grievant also pled guilty to another charge. After a review of the *Douglas* factors, the Arbitrator found that a penalty of discharge was appropriate, warranted, and supported by substantial and sufficient facts.¹¹

III. Discussion

The Board concludes that FOP has not asserted grounds for finding that the Remand Award is contrary to law and public policy. In its Request, FOP argues that the Remand Award should be overturned, because the Arbitrator did not analyze whether the 90-day rule had been

⁴ D.C. Official Code § 1-605.02(6).

⁵ *MPD v. FOP/MPD Labor Comm.*, 66 D.C. Reg. 6056, Slip Op. No. 1702 at 2, PERB Case No. 18-A-17 (2018).

⁶ Award at 16.

⁷ Award at 16.

⁸ *MPD v. FOP/MPD Labor Comm.*, 66 D.C. Reg. 6056, Slip Op. No. 1702 at 6, PERB Case No. 18-A-17 (2018).

⁹ *Id.*

¹⁰ Remand Award at 11.

¹¹ Remand Award at 25.

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violated and that MPD failed to meet its burden that a criminal investigation tolled the 90-day rule.¹²

MPD asserts that both of FOP's arguments are collaterally estopped, based on the Board's Decision and Order in Opinion No. 1702.¹³ MPD argues that the Board made a finding that MPD timely proposed the adverse action and that the Board may not reconsider it now.¹⁴

The Board may not modify or set aside an award as contrary to law and public policy in the absence of a clear violation on the face of the award.¹⁵ FOP has the burden to demonstrate that the Remand Award itself violates established law or compels an explicit violation of a "well-defined public policy grounded in law or legal precedent."¹⁶ FOP has not cited any law or public policy that mandates that the Arbitrator arrive at a different result. Instead, FOP argues that the Arbitrator acted contrary to law and public policy by following the Board's Decision and Order in Opinion No. 1702.

The Board rejects FOP's argument. FOP failed to appeal the Board's finding that MPD timely initiated disciplinary action in Opinion No. 1702, when FOP did not seek reconsideration of the Board's Decision and Order or appeal the decision to Superior Court. The Board concludes that FOP waived its right to appeal the Board's finding in Opinion No. 1702, and cannot raise it before the Board in its arbitration review request.

IV. Conclusion

The Board finds no grounds to modify, set aside, or remand the Remand Award. Accordingly, FOP's Arbitration Review Request is denied and the matter is dismissed in its entirety with prejudice.

¹² Request at 14.

¹³ Opposition at 2.

¹⁴ Opposition at 4.

¹⁵ *FOP/Dep't of Corr. Labor Comm. v. PERB*, 973 A.2d 174, 177 (D.C. 2009).

¹⁶ *APWU, AFL-CIO v. USPS*, 789 F.2d 1, 8 (D.C. Cir. 1986).

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ORDER

IT IS HEREBY ORDERED THAT:

1. The arbitration review request is hereby denied.
2. Pursuant to Board Rule 559, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy and Board Members Ann Hoffman, Mary Anne Gibbons, and Douglas Warshof.

September 15, 2019

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 19-A-09, Op. No. 1725 was sent by File and ServeXpress to the following parties on this the 18th day of September, 2019.

Connor Finch, Esq.
Office of the Attorney General
441 4th Street NW
Suite 1180 North
Washington, D.C. 20001

Daniel J. McCartin, Esq.
CONTI FENN & LAWRENCE LLC
36 South Charles Street
Suite 2501
Baltimore, MD 21201

/s/ Merlin M. George _____

PERB

Government of the District of Columbia
Public Employee Relations Board

| | | | |
|---------------------------------|------------|---|-----------------------|
| <hr/> | |) | |
| In the Matter of: | |) | |
| | |) | |
| American Federation of | |) | |
| Government Employees, Local 631 | |) | |
| | |) | PERB Case No. 19-N-01 |
| | Petitioner |) | |
| | |) | Opinion No. 1726 |
| | v. |) | |
| | |) | |
| | |) | |
| Office of Labor Relations and | |) | |
| Collective Bargaining | |) | |
| | |) | |
| | Respondent |) | |
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DECISION AND ORDER

I. Statement of the Case

On August 6, 2019, the American Federation of Government Employees, Local 631 (AFGE) filed a Negotiability Appeal in accordance with the Board’s Decision and Order in PERB Case No. 19-I-02.¹ Therein, the Board suspended impasse proceedings due to the existence of a negotiability issue related to AFGE’s March 25, 2019 proposal (Proposal).² OLRCB filed a response.

For the reasons stated herein, the Board finds the Proposal is negotiable, except to the extent that, as written, it would require the District to breach its security practices and transmit employees’ personal identifiable information to AFGE without the employees’ consent.

¹ *AFGE, Local 631 v. OLRCB*, Slip Op. No. 1717, PERB Case 19-I-02 (2019).

² Pursuant to Board Rule 532.1, the Board will consider negotiability issues separately from impasse “[i]f the Board or its designee determines that an impasse has occurred regarding non-compensation matters, and an issue of negotiability exists at the time of such impasse determination, the negotiability issue must be withdrawn or a negotiability appeal filed with the Board within seven (7) days of the Board’s determination as to the existence of an impasse.”

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II. Background

On February 25, 2019, the District of Columbia made a presentation to the leadership of multiple unions regarding the implementation of its Automated Dues Processing (ADP) initiative, as an alternative to dues authorization using a paper form.³ Under AFGE's collective bargaining agreement, members authorize dues deduction using a specific D.C. Form 277. Therein, a member provides a nine-digit Social Security number, and a home address. The member then provides AFGE with the D.C. Form 277 directly, and then AFGE submits the document to the District for dues deduction. Under the ADP initiative, bargaining unit members would authorize dues through the District's online human resources portal, and the District would then send an email to AFGE confirming the employee's authorization of dues deduction, along with the last 4-digits of the employee's Social Security number and the employee's work location.

On March 6, 2019, OLRCB and AFGE met to bargain over the ADP initiative.⁴ OLRCB informed AFGE that the parties were present to engage in impact and effects bargaining regarding the implementation of the ADP.⁵ AFGE disagreed and insisted that the parties were engaged in substantive bargaining over the terms and conditions of the collective bargaining agreement.⁶ Although the parties did not agree on the type of bargaining in which they were engaged, the parties nonetheless discussed their respective positions on the ADP initiative. AFGE's position was that the ADP initiative should be formatted to provide the same information available on the paper D.C. Form 277.⁷ OLRCB rejected that position and stated that personal identifiable information, such as home addresses and nine digit Social Security numbers, would not be provided.⁸

On March 25, 2019, AFGE submitted its written Proposal to OLRCB.⁹ AFGE requested a response by April 5, 2019 and stated that AFGE would consider the parties at impasse if OLRCB failed to submit a counterproposal or response by that date.

On May 8, 2019, AFGE submitted a letter to OLRCB declaring an impasse after receiving no response to the written Proposal. In a letter dated May 9, 2019, OLRCB responded to AFGE and rejected the declaration of impasse, asserting that the parties were engaged in impact and effects bargaining regarding the implementation of the ADP initiative. In addition, OLRCB again asserted that the District would not provide employees' personal identifiable

³ *AFGE, Local 631 v. OLRCB*, Slip Op. No. 1717 at 2, PERB Case 19-I-02 (July 18, 2019).

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *AFGE, Local 631 v. OLRCB*, Slip Op. No. 1717 at 2.

⁹ *Id.*

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PERB Case No. 19-N-01
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information due to its internal security protocols, which prohibits the District from disclosing personal identifiable information without an employee's consent.

On May 17, 2019, AFGE filed an impasse petition. On July 18, 2019, the Board found that dues deduction, including the ADP initiative, is a mandatory subject of bargaining and subject to the impasse proceedings under Board Rule 527. The Board found that the parties had reached an impasse and that a negotiability issue existed. Pursuant to Rule 532.1, the Board ordered AFGE to either withdraw the challenged issue or file a negotiability appeal with the Board.¹⁰ AFGE filed the instant Negotiability Appeal.

III. Discussion

A. Jurisdiction

OLRCB argues that the instant Negotiability Appeal should be dismissed because AFGE failed to comply with the filing requirements of Board Rule 532.2 (b) and (c). AFGE filed the Negotiability Appeal in accordance with the Board's Order in Opinion No. 1717. The filing includes a short, plain statement on the issues of negotiability; a copy of the Proposal; and specific references to the applicable statute and collective bargaining agreement. AFGE disputes the finding of a negotiability issue and, therefore, did not include the declaration of nonnegotiability as required by Board Rule 532.2(c).

The Board has discretion over whether to require strict compliance with its rules.¹¹ Although AFGE did not comply with all the filing requirements of Board Rule 532.2 (c), the Board finds that the parties' filings demonstrate a negotiability issue exists related to the Proposal, which cannot be resolved through dismissal. Therefore, the Board will exercise its discretion and determine whether the Proposal is negotiable.

B. AFGE's Proposal

AFGE's March 25, 2019 Proposal states:

The American Federation of Government Employees, Local 631 (Union) and the District of Columbia (District) enter into this Memorandum of Understanding on the use of an electronic process for the authorization of deduction of union dues by bargaining unit employees.

1. The Union and the District agree that union dues deduction is required by law for the exclusive representative of employees.
2. The District agrees it will provide an electronic dues authorization process which contains the same information currently contained on D.C. Form 277.

¹⁰ *Id.* at 3.

¹¹ *Ernest Durant, Jr. and Carlton Butler v. FOP/DOC Labor Comm. and Jerrad F. Young FOP Lodge #1, President*, 45 D.C. Reg. 2047, Slip Op. No. 537 at 2, PERB Case No. 98-S-02 (1998) (holding that the Board will not impose strict compliance with the standard of clarity required of pleadings).

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Page 4

3. The District agrees the completed electronic form and information provided by bargaining unit employees on the completed form shall be provided to the Union, when the authorization is completed by the bargaining unit employee.

AFGE's Position

AFGE argues that OLRCB failed to make a clear, written communication asserting that the Proposal was nonnegotiable, while the parties had a meaningful opportunity for give and take during collective bargaining.¹² AFGE argues that all information in its Proposal is provided voluntarily by an employee, and, therefore, is negotiable.¹³ AFGE contends that each employee must voluntarily authorize the deduction of dues, and that the District is only a conduit for the information.¹⁴ AFGE also claims that the District has not specified which management rights would be infringed by permitting employees to provide, voluntarily, in an electronic sign-up process, the same information requested on the paper D.C. 277 form.¹⁵

OLRCB's Position

OLRCB argues that the District retains the sole management right to determine the District's internal security practices.¹⁶ OLRCB contends that the Proposal infringes on the District's internal security practices to protect employees and secure their private information by requiring the District to provide the full nine digit Social Security numbers and home addresses in an email confirmation.¹⁷

C. Negotiability

The Board rejects AFGE's argument that OLRCB did not provide sufficient notice of non-negotiability. On May 8, 2019, AFGE notified OLRCB that AFGE believed the parties were at impasse, and on May 9, 2019, OLRCB subsequently made, clearly and unambiguously, a written declaration that the Proposal was nonnegotiable. AFGE asserts that OLRCB failed to provide AFGE a declaration of nonnegotiability while the parties had a meaningful opportunity for give and take, during collective bargaining.¹⁸ The Board has held that nonnegotiability must be declared while "the potential for the ongoing and meaningful give-and-take of bargaining still exists."¹⁹ The Board has determined this issue by considering the totality of circumstances.²⁰ In the present case, the parties were capable of continuing negotiations, because they had not yet entered into any proceedings that would prevent additional negotiations nor reached a point in

¹² Appeal at 3.

¹³ Appeal at 4.

¹⁴ Appeal at 3.

¹⁵ Appeal at 4.

¹⁶ Response at 5.

¹⁷ Response at 5.

¹⁸ Appeal at 3.

¹⁹ *UDCFA v. UDC*, 59 D.C. Reg. 6481, Slip Op. No. 1104 at 6, PERB Case No. 09-N-02 (2012).

²⁰ *Id.* at 7.

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Page 5

any proceeding where there would be no obligation by either party to continue negotiations, such as impasse arbitration. Additionally, the parties had not attended mediation, exchanged last-best offers before arbitration, or sought any intervention from PERB. Therefore, under the totality of circumstances, the Board finds that OLRCB's declaration of nonnegotiability was timely.

As to the Proposal's substantive negotiability, the Board finds that the Proposal is negotiable, except to the extent that, as written, it requires the District to transmit personal identifiable information to AFGE without the employees' consent, contrary to its internal security protocols.

Under D.C. Official Code § 1-605.02(5) and § 1-617.02(b)(5), the Board is authorized to make determinations concerning whether a matter is within the scope of bargaining.²¹ The Board applies the U.S. Supreme Court's standard concerning subjects for bargaining established in *National Labor Relations Board v. Borg-Warner Corp.*²² Under this standard, "the three categories of bargaining subjects are: (1) mandatory subjects, over which the parties must bargain; (2) permissive subjects, over which the parties may bargain; and (3) illegal subjects, over which the parties may not legally bargain."²³ Further, D.C. Official Code § 1-617.08(b) provides, "All matters shall be deemed negotiable, except those that are proscribed by this subchapter." The Board has held that this language creates a presumption of negotiability.²⁴

The Proposal requires an electronic form identical to D.C. Form 277 that includes employees' full Social Security numbers and home addresses, which would be transmitted to AFGE by the District. Pursuant to D.C. Code § 1-631.01, OLRCB has a statutory responsibility to ensure the greatest degree of employee privacy, while providing adequate, necessary, and complete information to enable the exclusive bargaining representative to carry out its responsibilities. OLRCB asserts that the transmission of home addresses and nine digit Social Security numbers would breach the District's internal security protocol. Under D.C. Code § 1-617.08(a)(5)(D), management has the sole right to determine the agency's internal security practices. In weighing the presumption of negotiability against the District's management right to establish internal security practices, the Board finds that the Proposal is negotiable, except to the extent that the Proposal, as written, requires the District to violate its internal security protocols.²⁵

IV. Conclusion

The Board grants AFGE's negotiability appeal and finds AFGE's Proposal is negotiable except to the extent that, as written, the Proposal would require the District to act in violation of

²¹ *FOP/DYRS Labor Comm. v. DYRS*, D.C. Reg. 10133, Slip Op. No. 1636 at 2, PERB Case No. 17-N-02 (2017).

²² 356 U.S. 342 (1975).

²³ *FOP/DYRS Labor Comm. v. DYRS*, D.C. Reg. 10133, Slip Op. No. 1636 at 2, PERB Case No. 17-N-02 (2017).

²⁴ *Id.*

²⁵ *SEIU, Local 500 v. UDC*, 62 D.C. Reg. 14633, Slip Op. No. 1539 at 15, PERB Case No. 15-N-01 (2015).

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its internal security protocols. The Board's decision does not preclude the parties from negotiating alternative language that would enable the union to obtain the information it is seeking.

ORDER

IT IS HEREBY ORDERED THAT:

1. The American Federation of Government Employees Local 631 negotiability appeal is granted.
2. Pursuant to Board Rule 559.1, this decision and order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Charles Murphy, Members Ann Hoffman, Douglas Warshof, and Mary Anne Gibbons

Washington, D.C.

September 12, 2019

Certificate of Service

This is to certify that the attached Decision and Order in PERB Case 19-N-01. Slip Op. No. 1726 was sent by File & ServeXpress to the following parties on this the 30th day of September 2019.

Barbara B. Hutchinson
AFGE Local 631
1325 G Street, NW, Suite 500
Washington, D.C. 20005

Adessa A. Barker
D.C. Office of Labor Relations
and Collective Bargaining
441 4th Street, NW, Suite 820N
Washington, D.C. 20001

/s/ Royale Simms
Public Employee Relations Board
1100 4th Street, SW, Suite E630
Washington, D.C. 20024
Telephone: 202-727-1822

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF INVESTMENT COMMITTEE MEETING

November 21, 2019
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, November 21, 2019, at 10:00 a.m. to consider investment matters. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | | |
|------|--|--------------|
| I. | Call to Order and Roll Call | Chair Warren |
| II. | Approval of Investment Committee Meeting Minutes | Chair Warren |
| III. | Chair's Comments | Chair Warren |
| IV. | Chief Investment Officer's Report | Mr. Barnette |

At this point, the investment committee meeting will be closed in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

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| V. | Other Business | Chair Warren |
| VI. | Adjournment | |

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF OPEN PUBLIC MEETING**

November 21, 2019
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, November 21, 2019, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | | |
|-------|-----------------------------------|--------------------|
| I. | Call to Order and Roll Call | Chair Clark |
| II. | Approval of Board Meeting Minutes | Chair Clark |
| III. | Chair's Comments | Chair Clark |
| IV. | Executive Director's Report | Ms. Morgan-Johnson |
| V. | Investment Committee Report | Mr. Warren |
| VI. | Operations Committee Report | Mr. Smith |
| VII. | Benefits Committee Report | Ms. Collins |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chair Clark |
| XI. | Adjournment | |

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after December 15, 2019.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on November 8, 2019. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries PublicEffective: December 15, 2019
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| | | | |
|-------------|------------------|--|-------|
| Adell | Anav K. | Treliant, LLC 1255 23rd Street, NW, Suite 500 | 20037 |
| Aiken | Nicole N. | Self 1233 42nd Street, SE | 20020 |
| Akande | Tomi | Correia & Puth, PLLC 1400 16th Street, NW, Suite 450 | 20036 |
| Allen | Lucille Vernell | R Banks Group 4906 Kansas Avenue, NW | 20019 |
| Backus | Cambria L. | Reading Is Fundamental, Inc. 750 First Street, NE, #920 | 20002 |
| Baclayo | Melareve | Metro Offices 1250 Connecticut Avenue, NW, Suite 700 | 20036 |
| Baquedano | Felix | Redemptorists Fathers of New York 3112 7th Street, NE | 20017 |
| Bell | Bianca | DC Office of Human Rights 441 4th Street, NW, 570N | 20001 |
| Bey | Zaid | Global Print Master 2004 Rhode Island Avenue, NE | 20018 |
| Boyce | Ronald Robert | S2 Development 1509 Rhode Island Avenue, NE | 20018 |
| Briscoe Sr. | Ronald Nathaniel | Self (Dual) 1215 Meigs Place, NE, #1 | 20002 |
| Brosnihan | Erika Anna | Reading Partners 3939 Benning Road, NE | 20019 |
| Brunet | Daria | NCRC Housing Rehab Fund, LLC 740 15th Street, NW, Suite 4 | 20005 |
| Burns | Meghan | Office of Human Rights 441 4th Street, NW, #570N | 20001 |

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Recommendations for Appointments as DC Notaries PublicEffective: December 15, 2019
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| | | | |
|---------------|------------------|---|-------|
| Burris | Lisa | Wells Fargo Bank 1350 New York Avenue, NW | 20005 |
| Calixto-Lobo | Maria Socorro | Self 7019 Georgia Avenue, NW, #111 | 20012 |
| Chavez Santos | Freddy Francisco | Bank of America 20001 Pennsylvania Avenue, NW | 20006 |
| Cooper | Faith E. | The Justin Company, Inc. 5980 Sligo Mill Road, NE | 20011 |
| Davis | Aja | Self (Dual) 3731 Franklin Delano Roosevelt Place, NE | 20019 |
| Davis | Charlene | City First Bank 1432 U Street, NW | 20009 |
| DeVerna | Philip | CBG Building Company 424 Rhode Island Avenue, NE | 20004 |
| Dumenko | Oksana | Bank Fund Staff Federal Credit Union 1725 I Street, NW, #150 | 20006 |
| Dziadosz | Patricia Izabela | United States Department of Agriculture 1400 Independence Avenue, SW | 20250 |
| Echiverri | Ysabel | EarthRights International 1612 K Street, NW, Suite 800 | 20006 |
| Encinas | Mario Daniel | American Chemistry Council 700 2nd Street, NE | 20002 |
| Fitz | Maureen Ellen | SB Works 2316 Rhode Island Avenue, NE | 20018 |
| Fleming Jr. | Jack Lionel | Enterprise Settlement Solutions 2176 Wisconsin Avenue, NW | 20007 |
| Gause | Shelly Y. | Mintz 701 Pennsylvania Avenue, NW, Suite 900 | 20004 |

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: December 15, 2019

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| | | | |
|-----------|------------------|---|-------|
| Geary | Tracey D. | Bruch Hanna, LLP 1099 New York Avenue, NW, Suite 500 | 20001 |
| Gilley | Jenna L. | M&T Bank 555 12th Street, NW | 20004 |
| Guliyeva | Tamilla | HSBC Bank 1401 I Street, NW, Suite 110 | 20005 |
| Gutierrez | Gabriela | Self 1308 Spring Road, NW | 20010 |
| Gutierrez | Ingrid | Mayor's Office on Latino Affairs 2000 14 Street, NW, Suite 206 | 20009 |
| Gutierrez | Judith A. | The University of Washington, DC 1135 16th Street, NW | 20036 |
| Hall | Brittney | Feldesman Tucker Leifer Fidell, LLP 1129 20th Street, NW, Suite 400 | 20036 |
| Hamilton | Jodie L | Ropes & Gray LLP 2099 Pennsylvania Avenue, NW | 20006 |
| Harris | Kim | Friends for the Global fight 1634 Eye Street, NW, Suite 1100 | 20006 |
| Harrison | R. Dwayne | Gregory Edwards LLC 400 Virginia Avenue, SW, Suite 120 | 20024 |
| Hitzke | Jennifer Helen | National Institute of Building Sciences 1090 Vermont Avenue, NW, Suite 700 | 20005 |
| Houston | Kimberly A. | Venable, LLP 600 Massachusetts Avenue, NW | 20001 |
| James | Candace | A+ Transactions 4946 Fitch Place, NE | 20019 |
| Johnson | Gabrielle Moriah | East of the River Services 2235 Shannon Place, SE, 3040 | 20020 |

D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public

Effective: December 15, 2019

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| | | | |
|---------------|-----------------|---|-------|
| Johnson | Rashida | Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150 | 20433 |
| Johnson | Sarah Moore | Birchstone Moore, LLC 2233 Wisconsin Avenue, NW, Suite 400 | 20007 |
| Johnston | Aleksander S. | Self (Dual) 4222 47th Street, NW | 20016 |
| Jones | Nicole | Kutak Rock, LLP 1625 Eye Street, NW, #800 | 20006 |
| King | Paulette C. | Goulston & Storrs 1999 K Street, NW, Suite 500 | 20006 |
| Laboy | Mary | National Association of Insurance Commissioners - NAIC 444 North Capitol Street, NW, Suite 7001 | 20001 |
| Lamphier | Lisa C. | KVS Title, LLC 230 6th Street, NE | 20002 |
| Lawson | Kimberly | Brennan Title Company 5100 Wisconsin Avenue, NW, Suite 515 | 20016 |
| Luciano | Kimberly Nicole | Somera Capital Management 1054 31st Street, NW, Suite 206 | 20007 |
| Macias | Mitchell | Chase Bank 601 Pennsylvania Avenue, NW | 20005 |
| Marsh | Randy E. | Horton's Kids 400 Virginia Avenue, SW, Suite C130 | 20024 |
| Massenberg | Patricia J. | American Pharmacists Association Foundation 2215 Constitution Avenue, NW | 20037 |
| McClain | Carter Hancock | Quinn, Racusin & Gazzola Chartered 888 17th Street, NW, Suite 640 | 20006 |
| Meeks Stevens | Camille | Wells Fargo Advisors 1133 Connecticut Avenue, NW | 20036 |

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| | | | |
|-----------|--------------------|--|-------|
| Mukherjee | Shveta | Human Rights Campaign 1640 Rhode Island Avenue, NW | 20036 |
| Mushaw | Garrett | Collaborative Solutions for Communities 3333 14th Street, NW, Suite 200 | 20010 |
| Nelson | Kathryn | American Israel Public Affairs Committee 251 H Street, NW | 20001 |
| Newman | Darlyn J. | Securities & Exchange Commission 100 F Street, NE | 20549 |
| Ogozaly | Walter | One Source Process 1133 13th Street, NW, #C4 | 20005 |
| Oliva | Victoria Elizabeth | Mayor's Office of Community Affairs 1350 Pennsylvania Avenue, NW | 20004 |
| Oni | Adediran | BFSFCU 1725 Eye Street, NW, Suite 150 | 20006 |
| Owens | Colette Danita | Murph & McGonigle 1001 G Street, NW | 20001 |
| Owusu | Ginger | United Food and Commercial Workers Union International 1775 K Street, NW | 20006 |
| Parent | Dave George | Fredericks Peebles and Patterson 401 9th Street, NW, Suite 700 | 20004 |
| Pauley | Samuel Harrison | Wiles Mensch Corporation DC 510 8th Street, SE | 20003 |
| Perez | Fred | Self 2824 12th Street, NE, #101 | 20017 |
| Pfeiffer | Dara Lyn | Mayer Brown 1999 K Street, NW | 20036 |
| Pointer | Stephanie | JPMorgan Chase and Company 601 Pennsylvania Avenue, NW, 700 North Building | 20004 |

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|-----------|------------------|--|-------|
| Pope | Myriah | United States Department of Agriculture 1400 Independence Avenue, SW, Stop 1597 | 20250 |
| Powers | Jennifer Elaine | National Community Reinvestment Coalition 740 15th Street, NW, Suite 400 | 20005 |
| Priscoli | Victoria | U.S. Department of Justice 333 Constitution Avenue, NW | 20001 |
| Richman | Casey Lynn | Republican National Committee 310 First Street, SE | 20003 |
| Sanchez | Caitlin | Brailsford & Dunlavey 1140 Connecticut Avenue, NW, Suite 400 | 20036 |
| Sanders | Lorraine A. | EastBanc, Inc. 3307 M Street, NW | 20007 |
| Smith | LeShonne Taneele | General Services Administration 1800 F Street, NW, Room 2024 | 20405 |
| Spivey | John | USDA Rural Utilities Service 1400 Independence Avenue, SW | 20250 |
| Stone | Joyce B. | Export-Import Bank of the United States 811 Vermont Avenue, NW, Suite 871 | 20571 |
| Treminio | Roxana Beatriz | Sanabria & Associates, PLLC 3929 14th Street, NW | 20011 |
| Tsatsralt | Sayana | USDA 1400 Independence Avenue, SW, #2844 | 20250 |
| Tunstall | Patricia Darline | Armor Realty Mortgage LL C 831 Adrian Street, SE | 20019 |
| Turner | Mikia Janay | Department of Health and Human Services 200 Independence Avenue, SW, Suite 711E | 20201 |
| Ukegbu | Collins | Planet Depos 1100 Connecticut Avenue, NW, Suite 950 | 20036 |

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|---------------|--------------|---|-------|
| Upshaw | Tongalis A. | Ideal Electrical Supply Corporation 3515 V Street, NE | 20018 |
| Ware | Sherrill V. | Law Office of Ronald A. Colbert 717 D Street, NW, Suite 310 | 20004 |
| Weaver | Bessie Mae | The White House, Executive Office of the President, Office of Management and Budget 725 17th Street, NW | 20503 |
| White | Caroline Lee | U.S. Department of Health and Human Services 200 Independence Avenue, SW | 20201 |
| Wilkerson | Keith Alan | Esquire Deposition Solutions 1717 K Street, NW, Suite 900 | 20006 |
| Williams, Jr. | David M. | Self 1112 Savannah Street, SE, # 32 | 20032 |

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17944-A of The Lab School of Washington, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to Condition No. 1 in BZA Order No. 17944 to modify the time limit of the Order from 10 years to 14 years, in an existing school building in the R-1-B Zone at premises 4470 Q Street N.W. (Square 1363, Lot 980).

| | |
|---|-------------------|
| HEARING DATE (17944): | July 21, 2009 |
| DECISION DATE (17944): | July 28, 2009 |
| ORDER ISSUANCE DATE (17944): | November 25, 2009 |
| MODIFICATION OF CONSEQUENCE DECISION DATE (17944-A): | October 23, 2019 |

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

Original Application. In Application No. 17944, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by The Lab School of Washington (the “Applicant”) for a special exception to allow the continued use of an existing private school with 200 pre-kindergarten to fifth grade children and 40 staff in the R-1-B District.¹ The Board issued Order No. 17944 (the “Order”) on November 25, 2009. The approval was subject to 10 conditions, including a 10-year time limit ending on September 30, 2019.

Proposed Modification. On July 26, 2019, the Applicant submitted a request for modification of consequence to extend the time limit of the Order, as provided in Condition No. 1. (Exhibits 1-2B.) The Applicant initially proposed to revise the conditions to extend the Order until December 31, 2023; however, based upon a concern raised by Advisory Neighborhood Commission (“ANC”) 3D, the Applicant revised its request and instead proposes to modify Condition No. 1 to extend the time limit of the Order to August 31, 2023.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations” to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 2.)

Parties. The parties to this case were the Applicant and ANC 3D.

ANC Report. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on September 4, 2019, at which a quorum was present, the ANC voted to support the

¹ Prior to Application No. 17944, the Board granted approval to establish the private school use in 1999, subject to seven conditions including a 10-year term.

request. (Exhibit 3.) As noted above, the ANC raised a concern that, should approved use as a school be extended until December 31, 2023 as initially requested, students may be in the school when the permit expires. The ANC found that potentially removing students mid-year would be unacceptable and therefore requested that the time limit be extended through August 31, 2023 instead. The Applicant agreed and revised its request accordingly.

OP Report. Office of Planning submitted a report recommending approval of the proposed modification of consequence. (Exhibit 5.)

Request for Modification of Consequence

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to modify the time limit in Condition No. 1 of BZA Order No. 17944, originally ending on September 30, 2019, to instead end on August 31, 2023.

The Board determines that the Applicant's request complies with Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board." Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under as directed by Subtitle Y § 703.4.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

"Great Weight" to the Recommendations of OP

The Board is required to give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP's recommendation that the Board approve the application persuasive and concurs in that judgment.

"Great Weight" to the Written Report of the ANC

The Board must give "great weight" to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The Board finds the ANC's recommendation that the Board approve the application persuasive and concurs in that judgment.

It is therefore **ORDERED** that this application for modification of consequence is hereby **GRANTED**, subject to the following conditions, which shall replace and supersede the conditions of BZA Order No. 17944:

**BZA APPLICATION NO. 17944-A
PAGE NO. 2**

1. Approval shall be for a period ending on August 31, 2023.
2. The number of students shall not exceed 200, pre-kindergarten through fifth grade.
3. The number of staff shall not exceed 40.
4. The hours and days of operation (for academic purposes) shall be 8:00 a.m. to 6:00 p.m., Monday through Friday.
5. Twenty-six on-site parking spaces shall be provided.
6. The Applicant shall maintain an ongoing liaison committee with the Foxhall Community Citizens Association, Advisory Neighborhood Commission 3D, and other interested community members. The liaison committee shall meet at least four times a year to discuss and resolve community and school related issues.
7. Landscaping, consisting of evergreen trees, shall be provided and maintained on the north parking lot (the Q Street side of the site).
8. The Applicant may make the facility available for gatherings such as those of community organizations including Palisades Village and for school-related activities such as back-to-school night.
9. The Applicant shall implement a traffic management plan ("TMP"), which shall regulate vehicle access and parking on the property. The TMP shall include the provision of shuttle service and other methods to reduce the use of private automobiles by staff and parents. The Applicant may modify the TMP over time, to respond to changing traffic conditions, subject to discussions with the community liaison committee.
10. Student tutors from local universities who visit the subject property each school day to participate in the Applicant's private school program shall use the Applicant's shuttle service when traveling to and from the subject property.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 31, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 17944-A
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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18770-C of IMA PIZZA STORE 11, LLC, pursuant to 11 DCMR Subtitle Y § 703 for a modification of consequence to amend Condition No. 1 in BZA Order No. 18770-A, as modified in BZA Order No. 18770-B, to extend the time limit of the approval for an additional 10 years, in an existing building in the MU-25 Zone at premises 405 8th Street, S.E. (Square 902, Lot 36).

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|---|---|
| HEARING DATES (18770): | June 10, June 17, and September 9, 2014 |
| DECISION DATE (18770): | September 9, 2014 |
| FINAL ORDER ISSUANCE DATE (18770-A): | September 19, 2014 |
| MINOR MODIFICATION | |
| DECISION DATE (18770-B): | March 29 and April 19, 2016 |
| MODIFICATION OF CONSEQUENCE | |
| DECISION DATE (18770-C): | October 16, 2019 |

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

Original Application. In Application No. 18770, the Board of Zoning Adjustment (“Board” or “BZA”) approved the request by &pizza for a special exception to allow a fast food establishment on the first floor and a variance from the rear yard requirements to allow the construction of a one-story rear addition to the existing structure at premises 405 8th Street, S.E. (Square 902, Lot 825.) Order No. 18770 and Order No. 18770-A – a corrected order to revise a typographical error – were issued on September 19, 2014. (Exhibit 4B.) The Board’s approval was subject to 10 conditions, including a seven-year time limit from the effective date of the Order.

Minor Modification. In Application No. 18770-B, the Board granted a request for minor modification by &pizza to allow revisions to the conditions and plans approved in Order Nos. 18770 and 18770-A. The approved modifications included changing the oven type from the originally proposed vent-less system; relocating the HVAC unit; confirming that the trash extension will be used only for storage of trash and recycling; adding a condition requiring the Applicant to appoint a representative to ensure compliance with conditions; and reducing the approval period from seven years to five years. (Exhibit 4B.) As modified, the Board’s approval was subject to new plans (Exhibits 7A-C and 12 of the case record for Application No. 18770-B) and 11 conditions. The modified five-year approval period would expire on September 19, 2019.

Proposed Modification of Consequence. On September 18, 2019, IMA PIZZA STORE 11, LLC (the “Applicant”) submitted a request for modification of consequence to Order No 18770, as corrected by Order No. 18770-A and as modified by Order No. 18770-B. (Exhibits 1-4B.) The

Applicant proposes to modify the time limit in Condition No. 1 to extend the approval period for an additional 10 years, until September 19, 2029.

Notice of the Request for Modification. Pursuant to Subtitle Y §§ 703.8-703.9 of Title 11 of the DCMR (Zoning Regulations of 2016, the “Zoning Regulations” to which all references are made unless otherwise specified), the Applicant provided proper and timely notice of the request for modification of consequence. (Exhibit 4.)

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission (“ANC”) 6B.

ANC Report. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on October 15, 2019, at which a quorum was present, the ANC voted to support the request. (Exhibit 6.)

OP Report. Office of Planning (“OP”) submitted a report recommending approval of the proposed modification of consequence. (Exhibit 5.)

Request for Modification of Consequence

The Applicant seeks a modification of consequence under Subtitle Y § 703.4 to modify the time limit in Condition No. 1 in order to extend the approval period for an additional 10 years, until September 19, 2029.

The Board determines that the Applicant’s request complies with Subtitle Y § 703.4, which defines a modification of consequence as a “proposed change to a condition cited by the Board in the final order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.” Based upon the record, the Board concludes that in seeking a modification of consequence, the Applicant has met its burden of proof under as directed by Subtitle Y § 703.4.

Pursuant to Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

“Great Weight” to the Recommendations of OP

The Board is required to give “great weight” to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Y § 405.8). The Board finds OP’s recommendation that the Board approve the application persuasive and concurs in that judgment.

“Great Weight” to the Written Report of the ANC

The Board must give “great weight” to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Y § 406.2) To satisfy the great weight requirement, the Board must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive

BZA APPLICATION NO. 18770-C

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advice under the circumstances. *Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016). The Board finds the ANC's recommendation that the Board approve the application persuasive and concurs in that judgment.

It is therefore **ORDERED** that this application for modification of consequence of BZA Order No. 18770, as modified by BZA Order Nos. 18770-A and 18770-B, is hereby **GRANTED**, subject to the approved plans at Exhibit 40C of Application No. 18770, as modified by Exhibits 7A-C and 12 of Application No. 18770-B, and the following conditions, which shall replace and supersede the conditions of BZA Order Nos. 18770, 18770-A, and 18770-B:

1. Approval shall be for a period ending on September 19, 2029.
2. Hours of operation shall not exceed:
 - a. Sundays through Wednesdays, 10:00 a.m. to 11:00 p.m.;
 - b. Thursdays, 10:00 a.m. to midnight; and
 - c. Fridays and Saturdays, 10:00 a.m. to 2:00 a.m.
3. Garbage shall be collected a minimum of six days per week, and recycling a minimum of five days per week, and adhere to the following conditions:
 - a. Collections shall not occur before 7:00 a.m.;
 - b. The Applicant shall provide the garbage and recycling companies with keys to the trash enclosure;
 - c. All receptacles shall be kept within the trash enclosure only, unless being hauled to or from sanitation trucks;
 - d. All receptacles shall be secured with lids, including while within the trash enclosure and while being hauled to and from sanitation trucks. Exterior doors to the trash enclosure shall remain closed unless refuse is being hauled to sanitation trucks;
 - e. Garbage and recyclables shall be placed within receptacles within the trash enclosure only;
 - f. Garbage and recycling spills shall be cleaned as they occur;
 - g. Daily, prior to opening, the Applicant shall ensure that no debris was left within the breezeway and that the trash enclosure doors are properly shut and secure.
 - h. The trash enclosure shall be power washed weekly or more often to prevent food or grease film on the floor of the enclosure, breezeway, and receptacles; and
 - i. The trash enclosure shall be used only for the storage of trash and recycling;
 - j. The Applicant shall allow DPW, DCRA and Zoning Administrator inspectors to access the trash enclosure and breezeway.
4. As specified in Exhibits 7A-C of Application No. 18770-B, the Applicant shall use a ventless oven system, install either a hood or exhaust grill over each oven stack, and remove all cooking exhaust through the specified ductwork and Pollution Control Unit (PCU) described in Exhibit 12 of Application No. 18770-B. The PCU will exhaust through the face of the building as specified in Exhibits 7A-C of Application No. 18770-B. The Applicant shall maintain the system in good working order, and shall enter into a maintenance contract with a service provider to, among other things, regularly clean the ductwork and PCU and

BZA APPLICATION NO. 18770-C

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provide new or clean filters in order to ensure effective elimination of odors from the vented cooking exhaust for the duration of the time that the Applicant operates at 405 8th Street, S.E.

5. No vents shall be permitted on the roof or at the rear of the property with the exception of the bathroom exhaust vents.
6. No outdoor seating shall be permitted, including the rear yard and the roof. Employees shall not be permitted to take breaks within the rear yard or the breezeway.
7. As specified in Exhibits 7A-C of Application No. 18770-B: the HVAC unit at the rear of the property shall be replaced with a new HVAC unit located atop the trash enclosure; a mini split to cool the trash enclosure will also be installed atop the trash enclosure; and a cooler condenser shall be installed atop the dog leg roof. These mechanicals will be soundproofed as specified in Exhibits 7A-C of Application No. 18770-B to meet the standards employed by ArtUSA (or similar noise control product business) at 413 8th Street, S.E. No additional mechanical equipment shall be installed on either roof or at the rear of the property.
8. The trash enclosure (as depicted in the plans in Exhibits 7A-C of Application No. 18770-B) shall include a trash compactor, cardboard baler (as depicted in Exhibit 40E of Application No. 18770), and odor control unit to be constructed as proposed. The trash enclosure shall comply with the recommendations contained in the rodentologist report dated May 22, 2014, (Exhibit 40D of Application No. 18770), except for nos. 12, 15, and 16, which are not applicable to this site.
9. Deliveries shall be made through the front only. No deliveries shall be made through the breezeway.
10. The Applicant shall frequently remove trash and debris from the sidewalk to the front of the property and power wash this area regularly.
11. The Applicant shall appoint a designated individual member of its organization to ensure compliance with the provisions of this order.

VOTE: 4-0-1 (Frederick L. Hill, Lorna L. John, Carlton E. Hart, and Robert E. Miller to APPROVE; one Board member not participating.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 29, 2019

PURSUANT TO SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

**BZA APPLICATION NO. 18770-C
PAGE NO. 4**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20124 of Sam and Joelle Ballew, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to construct a two-story rear addition in the RF-1 Zone at premises 333 9th Street S.E. (Square 924, Lot 38).

HEARING DATE: October 16 and 23, 2019

DECISION DATE: October 23, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 15, 2019, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibit 41.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 37.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 36.)

Persons in Support. Two letters from neighbors in support were submitted into the record. (Exhibits 28, 29.) The Capitol Hill Restoration Society also filed a letter expressing the support of its Zoning Committee. (Exhibit 40.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the rear yard requirements of Subtitle E § 306.1, to construct a two-story rear addition in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 33 – REVISED ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 28, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING

¹ In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20128 of Matthew Pregmon and Arielle Giegerich, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear wall extension requirements of Subtitle E § 205.4, under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear and third-floor addition on an existing, attached principal dwelling unit in the RF-1 Zone at premises 1421 D Street S.E. (Square 1062, Lot 101).

HEARING DATE: October 23, 2019

DECISION DATE: October 23, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6B.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on October 15, 2019, at which a quorum was present, the ANC voted 7-0-0 to support the application. (Exhibit 39.)

OP Report. The Office of Planning submitted a report recommending approval of the application. (Exhibit 34.)

DDOT Report. The District Department of Transportation submitted a report indicating that it had no objection to the application. (Exhibit 33.)

Persons in Support. Seven letters were submitted by neighbors in support of the application. (Exhibits 24-27, 29-31.)

Persons in Opposition. The Capitol Hill Restoration Society Zoning Committee expressed opposition to the application. (Exhibit 38.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear wall extension requirements of Subtitle E § 205.4, under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear and third-floor addition on an existing, attached principal dwelling unit in the RF-1 Zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS¹ AT EXHIBIT 7 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull; one Board seat vacant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 28, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

¹ In granting the certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20129 of 555 E Street Hotel SW, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the penthouse requirements of Subtitle C § 1500.3(c), to establish a penthouse bar and restaurant use for the penthouse of the proposed hotel in the D-5 Zone at premises 550 School Street, S.W. (Square 494, Lot 36).

HEARING DATE: October 23, 2019

DECISION DATE: October 23, 2019

CORRECTED¹ SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.)

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 6D.

ANC Report. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on September 9, 2019, at which a quorum was present, the ANC voted 5-0-1 to support the application. (Exhibit 30.)

OP Report. The Office of Planning submitted a report, dated October 11, 2019, recommending approval of the application. (Exhibit 35.)

DDOT Report. The District Department of Transportation submitted a report, dated October 11, 2019, indicating that it had no objection to the application. (Exhibit 34.)

Special Exception Relief

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under the penthouse requirements of Subtitle C § 1500.3(c), to establish a penthouse bar and restaurant use for the penthouse of the proposed hotel in the D-5 Zone.

¹ This order has been revised to correct the Applicant's name. No other changes have been made to the order.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 32A.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 24, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION

²Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 20133 of Cassandra Spratt, as amended, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear wall extension requirements of Subtitle D § 306.4, to construct a two-story rear addition to an existing, attached principal dwelling unit in the R-3 zone at premises 130 Rhode Island Avenue N.E. (Square 3538E, Lot 19).

HEARING DATE: October 23, 2019
DECISION DATE: October 23, 2019

SUMMARY ORDER

Relief Requested. The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 13 (Final Revised); Exhibit 11 (Revised); Exhibit 3 (Original).)¹

Notice of the Application and Public Hearing. The Board of Zoning Adjustment ("Board" or "BZA") referred the application to the appropriate agencies and provided proper and timely notice of the public hearing in accordance with Subtitle Y § 402.1.

Parties. The parties to this case were the Applicant and Advisory Neighborhood Commission ("ANC") 5E.

ANC Report. The ANC did not submit a report to the record for this application; however, the Applicant testified that the ANC, at its public meeting on October 15, 2019, voted to support the application. (Exhibit 40.)

OP Report. The Office of Planning submitted a report, dated October 11, 2019, recommending approval of the application. (Exhibit 36.)

DDOT Report. The District Department of Transportation submitted a report, dated October 4, 2019, indicating that it had no objection to the application. (Exhibit 37.)

Persons in Support. Seven letters were filed by neighbors in support of the application. (Exhibits 29, 32-35, 41, and 42.)

Special Exception Relief

¹ The caption has been modified to reflect the relief granted. The caption was amended to clarify that the relief sought is from the requirements of Subtitle D § 306.4, rather than Subtitle D §§ 306.1 and 306.2 stated in the original application.

The Applicant seeks relief under Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear wall extension requirements of Subtitle D § 306.4, to construct a two-story rear addition to an existing, attached principal dwelling unit in the R-3 zone.

Based upon the record before the Board, and having given great weight to the appropriate reports and recommendations filed in this case, the Board concludes that the Applicant has met the burden of proof that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. The Board further concludes that, pursuant to Subtitle X § 901.2(c), any other specified conditions for special exception relief have been met.

Pursuant to 11 DCMR Subtitle Y § 604.3, the order of the Board may be in summary form and need not be accompanied by findings of fact and conclusions of law where granting an application when there was no party in opposition.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS² AT EXHIBIT 31.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lorna L. John, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: October 31, 2019

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE

²Self-certification: In granting the self-certified relief, the Board made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 04-14F
Z.C. Case No. 04-14F
Riverfront Holdings II, LLC
(Modification of Consequence of Second-Stage PUD @ Square 708)
June 10, 2019

Pursuant to notice, at its June 10, 2019 public meeting, the Zoning Commission for the District of Columbia (the “Commission”) considered the application of Riverfront Holdings II, LLC (the “Applicant”) for a Modification of Consequence (the “Application”) of a second-stage planned unit development (“PUD”) approved by Z.C. Order No. 04-14, as modified by Z.C. Order Nos. 04-14B, 04-14D, and 04-14E, for Lot 15 in Square 708 (the “Property”). The Commission reviewed the Application pursuant to the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the “Zoning Regulations,” to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Background

1. A first-stage PUD was approved for the Property in 1998 pursuant to Z.C. Order No. 850. A related second-stage approval was granted in 1999 pursuant to Z.C. Order No. 910, which was subsequently modified and extended by Z.C. Order Nos. 910-A and 910-B.
2. Pursuant to Z.C. Order No. 04-14, the Commission granted the Applicant second-stage¹ PUD approval and a related map amendment (the “Approved PUD”) for the site located on 253,500 square feet of land in Squares 707 (Lots 800, 801, and 802); 708 (Lot 809); 708E (Lots 807 and 808); and 708S (Lot 806) (the “PUD Site”). The PUD Site included four different developments – Phases I and III for office buildings, Phase II for a residential building (the subject of the Application), and Phase IV for a hotel.
3. In Z.C. Order No. 04-14A, the Commission approved a two-year time extension for the Approved PUD.
4. In Z.C. Order No. 04-14B, the Commission modified the second-stage approval for Phase I of the Approved PUD. The Commission also reverted to and modified the first-stage approval for Phases II, III, and IV of the Approved PUD.
5. In Z.C. Order No. 14-14C, the Commission approved a one-year time extension for the Approved PUD.

¹ The Applicant filed the second-stage PUD application to reflect changes required by the construction of the nearby Nationals Baseball Stadium.

6. In Z.C. Order No. 04-14D, the Commission granted second-stage PUD approval for Phase II.
7. In Z.C. Order No. 04-14E, the Commission granted a modification of consequence to the second-stage PUD approval for Phase II. The modification permitted the redesign and relocation of certain architectural elements, including the residential signage, and modified the related Condition No. 1. (Exhibit ["Ex."] 1B.)

Parties

8. The only party to the Z.C Case No. 04-14, other than the Applicant, was Advisory Neighborhood Commission ("ANC") 6D, the "affected" ANC pursuant to Subtitle Z § 101.8.

The Application

9. On April 18, 2019, the Applicant filed the Application requesting a modification of consequence to authorize modifications to the plans approved by the Approved PUD to allow the following changes to the residential signage plan for Phase II: (Ex. 1C1-1C2.)
 - a. New signage will include vertical signage with lettering applied directly to the building;
 - b. The letters will be aluminum with face-lit acrylic lenses;
 - c. The letters will each be four feet in height and placed on floors 9-13 on the northern façade;
 - d. The letters will be affixed to the metal paneling and will be internally lit;
 - e. The letters will be set back a minimum of 13 inches from the windows of the residential units; and
 - f. The lights are front lit channel letters.
10. The Application noted that the proposed changes resulted from the evolution of the building's branding and that the proposed signage complies with the D.C. Building Code's signage regulations.
11. The Applicant provided evidence that on April 18, 2019, it served the Application on ANC 6D and the Office of Planning ("OP"), as attested by the Certificate of Service submitted with the Application. (Ex. 1.)
12. OP submitted a report dated May 6, 2019, stating no objection to the Application being considered as a Modification of Consequence and recommending approval of the Application. (Ex. 4.)

13. ANC 6D submitted a written report in support of the Application that it adopted at its duly noticed public meeting held on May 13, 2019. (Ex. 5.) The ANC report did not raise any issues or concerns with the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make Modifications of Consequence to final orders and plans without a public hearing.
2. Subtitle Z § 703.3 defines a Modification of Consequence as “a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance.”
3. Subtitle Z § 703.4 includes “a proposed change to a condition in the final order” and “a redesign or relocation of architectural elements” as examples of Modifications of Consequence.
4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.13 to serve the Application on all parties to the original proceeding, in this case ANC 6D.
5. The Commission concludes that the Application qualifies as a Modification of Consequence within the meaning of Subtitle Z §§ 703.3 and 703.4, as a request to modify a final condition and redesign of the architectural elements approved by the Original Order, and therefore can be granted without a public hearing pursuant to Subtitle Z § 703.17(c)(2).
6. The Commission concludes that because ANC 6D, the only party other than the Applicant to the Approved PUD, had filed a response to the Application, the requirement of Subtitle Z § 703.17(c)(2) to provide a timeframe for responses by all parties to the original proceeding had been met, and therefore the Commission could consider the merits of the Application at its June 10, 2019 public meeting.
7. The Commission finds that the modification proposed by the Application is consistent with the Approved PUD because the proposed changes to the signage plans are relatively modest and will not alter any of the material facts upon which the Commission based its original approval of the PUD.

“Great Weight” to the Recommendations of OP

8. D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.8 require the Commission to give “great weight” to the recommendations contained in the OP Report.
9. The Commission notes OP’s lack of objection to the Application being considered as a Modification of Consequence and finds persuasive OP’s recommendation that the Commission approve the Application and therefore concurs in that judgment.

“Great Weight” to the Written Report of the ANC

10. D.C. Official Code § 1-309.10(d)(3)(A) (2012 Repl.) and Subtitle Z §406.2 require the Commission to give “great weight” to the issues and concerns contained in the written report of an affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The District of Columbia Court of Appeals has interpreted the phrase “issues and concerns” to “encompass only legally relevant issues and concerns.” (*Wheeler v. District of Columbia Board of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (1978).)
11. The Commission finds the ANC report’s support for the Application persuasive and concurs in that judgment.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application’s request for a Modification of Consequence to revise the plans approved by Z.C. Order Nos. 04-14 through 04-14E and Condition No. 1 therein in accordance with the plans in the case record of Z.C. Case No. 04-14F at Ex. 1CA-1C2.

All conditions contained in Z.C. Order No. 04-14, as amended by Z.C. Order Nos. 04-14B, 0-14D, and 04-14E, remain unchanged and in effect, except that Condition No. 1 is revised as follows (deletions in **bold** and ~~strikethrough~~; additions in **bold** and underlined):

1. The PUD shall be developed in accordance with the plans prepared by Davis Buckley Architects and Planners, dated February 28, 2008, ~~in the record~~ at Exhibit 83, as supplemented by the plans dated May 1, 2008 ~~in the record~~ at Exhibit 100 (collectively the "Plans") in Z.C. Case No. 04-14 as modified by ~~the guidelines, conditions, and standards herein~~:
 - a. The Architectural Plans and Elevations dated October 10, 2012, at Exhibit 38A1-38A2 in Z.C. Case 04-14B;
 - b. The Architectural Plans and Elevations dated January 30, 2017, at Exhibit 30B1-30B7 in Z.C. Case 04-14D;
 - c. The Architectural Plans and Elevations dated November 20, 2017, at Exhibit 1C, 6A1-6A2 in Z.C. Case 04-14E;
 - d. The Architectural Plans and Elevations dated April 9, 2019, at Exhibit 1CA-1C2 in Z.C. Case 04-14F; and
 - e. The guidelines, conditions, and standards below.

VOTE (June 10, 2019): 4-0-1 (Peter A. Shapiro, Vice Chairman Robert E. Miller, Chairman Anthony J. Hood, and Peter G. May to **APPROVE**; Michael G. Turnbull abstaining).

In accordance with the provisions of Subtitle Z § 604.9 of the Zoning Regulations, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on November 8, 2019.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING**

Z.C. Case No. 10-03D

**(H Street Residential, LLC – PUD Modification of Significance @
Square 912, Lot 55 – 901 H Street, N.E.**

October 24, 2019

THIS CASE IS OF INTEREST TO ANCs 6A and 6C

On October 16, 2019, the Office of Zoning received an application from H Street Residential, LLC (the “Applicant”) for approval of a modification of significance to a previously approved planned unit development (“PUD”) for the above-referenced property.

The property that is the subject of this application consists of Lot 55 in Square 912 in northeast D.C. (Ward 6), on property located at 901 H Street, N.E. The property is currently zoned NC-17.

The Applicant requests approval to permit veterinary hospital use in a portion of the ground-floor retail space in the previously approved project. The Applicant is also requesting special exception relief from Subtitle H § 1101.4(g)(1)(c) of the Zoning Regulations because veterinary hospital uses is only permitted by special exception in the NC-17 zone.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.

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