



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

## NOTICE OF PUBLIC HEARING

**May 20, 2016**

810 First St. NE  
Third Floor  
Washington, DC 20002  
3-4 p.m.

and

**May 26, 2016**

810 First St. NE  
Eighth Floor  
Washington, DC 20002  
4-5 p.m.

The Office of the State Superintendent of Education (OSSE), Division of Elementary, Secondary, and Specialized Education (ESSE), will hold public hearings to discuss the second proposed rulemaking to amend the rules found at Subtitle E, Title 5, Chapter 30 of the District of Columbia Municipal Regulations ([5 DCMR §E-3000-3033](#)) entitled “Special Education.” This proposed rulemaking will be published at approximately 1 p.m. on May 13, 2016 in Volume 63/21 of the [D.C. Register](#) and will be accessible through clicking the link named “May 13, 2016 – Vol 63/21” and navigating to the “Proposed Rulemaking” section.

The proposed rulemaking amends the following Section:

- § 3023 “Transfer of Rights”

The proposed rulemaking proposes the following Sections:

- § 3034 “Transfer of Rights: General Provisions and Supported Decision-Making”
- § 3035 “Transfer of Rights: Exceptions”
- § 3036 “Transfer of Rights: Notice”

The proposed rulemaking will be posted for a **14 day** public comment period commencing May 13, 2016 and closing May 27, 2016. Two public hearings will be held. The first hearing is scheduled for May 20, 2016 from 3-4 p.m. The second and final hearing is scheduled for May 26, 2016 from 4-5 p.m. All comments received by 5 p.m. May 27, 2016 will be considered.

The purpose of the proposed rules is to comply with Section 301 of the Special Education Procedural Protections Expansion Act of 2014 (the “Act”), which requires the Office of the State Superintendent of Education (“OSSE”) to issue rules implementing section 104(a) of the Act by July 1, 2016. Section 104(a) requires that OSSE establish a procedure to determine when rights accorded to parents under the Individuals with Disabilities Education Act (IDEA) shall not transfer to a child with a disability who has reached the age of majority because the child does not have the ability to provide informed consent for purposes of educational decision-making, and to appoint another adult to represent the educational interests of the child.

Following the previous [Notice of Proposed Rulemaking](#), which was published in the *D.C. Register* for a thirty (30) day public comment period on July 24, 2015, OSSE received numerous comments from advocates and members of the community regarding Section 3023, “Transfer of Rights.” OSSE carefully considered all of the comments and made a number of the requested substantive and non-substantive amendments. Additionally, OSSE has reorganized the substance of Section 3023, “Transfer of Rights” in the Notice of Proposed Rulemaking into three separate sections, (1) Section 3034, “Transfer of Rights: General Provisions and Supportive Decision-Making”; (2) Section 3035, “Transfer of Rights: Exceptions”; and (3) Section 3036, “Transfer of Rights: Notice”.

Individuals wishing to testify at the hearing should contact Christie Weaver-Harris, policy analyst, at (202) 741-0470 or [Christie.Weaver-Harris@dc.gov](mailto:Christie.Weaver-Harris@dc.gov) by 5 p.m. before the hearing of which you plan to testify. An individual presenting will be limited to five minutes in an effort to allow all individuals an opportunity to be heard. Individuals representing an organization will be limited to a total presentation time of seven minutes scheduled for each public hearing.

Individuals and organizations wishing to submit comments as part of the official record should send copies of the comments and any written testimony and statements no later than 5 p.m. on May 27, 2016 for the proposed policies to:

Dr. Amy Maisterra, Assistant Superintendent of Elementary, Secondary, and Specialized  
Education

c/o Christie Weaver-Harris

Office of the State Superintendent of Education,

Division of Elementary, Secondary, and Specialized Education

810 First St. NE - Eighth Floor

Washington, DC 20002

or

email [osse.publiccomment@dc.gov](mailto:osse.publiccomment@dc.gov)

Individuals who do not register with OSSE prior to the hearing may testify on a first-come first-serve basis as time permits within the timeframes announced for each hearing. On-site assistance with registration will be available prior to each hearing.

Individuals may request an accommodation for a physical disability or language access in order to participate in the public hearing by contacting Christie Weaver-Harris no later than 5 p.m. on May 19, 2016 for the May 20, 2016 public hearing or no later than 5 p.m. May 25, 2016 for the May 26, 2016 public hearing.