



Councilmember Robert C. White, Jr.



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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To ensure smooth transitions, educational continuity, and credit accrual and transfers for Students in the Care of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “The Education and Credit Continuity Amendment Act of 2020.”

TITLE I. SMOOTH TRANSITIONS FOR STUDENTS IN THE CARE OF D.C.

Sec. 101. The Educational Services for Detained and Committed Youth Act of 2006 (D.C. Law 16-192; D.C. Official Code § 38-3301) is amended as follows:

(a) A new section 4031a is added to read as follows:

“Sec. 4031a. Definitions.

“For the purpose of this act, the term:

(1) “Students in the care of D.C.” shall have the same meaning as in D.C. Code § 2-1599.01(5).

(2) “DYRS” means the Department of Youth Rehabilitation Services established by D.C. Code § 2-1515.02.

34 (3) "DOC" means the Department of Corrections.

35 (4) "CFSA" means the D.C. Child and Family Services Agency established by
36 D.C. Code § 4-1303.01a.

37 (5) "FCSSD" means the Family Court Social Services Division of the
38 Superior Court of the District of Columbia.

39 (6) "OSSE" means the Office of the State Superintendent of Education
40 established by D.C. Code § 38-2601.

41 (7) "Local education agency" or "LEA" means the District of Columbia
42 Public Schools system or any individual or group of public charter schools operating under a
43 single charter.

44 (8) "Individualized education program" or "IEP" means a written plan that
45 specifies the special education programs and services to be provided to meet the unique
46 educational needs of a child with a disability, as required under section 614(d) of the Individuals
47 with Disabilities Education Act, approved April 13, 1970 (84 Stat. 175; 20 U.S.C. § 1414(d)).

48 (b) Section 4032 is amended to read as follows:

49 "Sec. 4032. Timely enrollment and placement in an educational program.

50 "(a) Students in the care of D.C. returning from an out-of-state placement or from a
51 period of incarceration shall have a transition plan created by the student's transition team at
52 least 10 days before the student's change in placement.

53 "(b) The student's transition team shall include:

54 "(1) A representative of the student's current educational placement;

55 "(2) A representative of the student's current LEA;

56 "(3) A representative of the student's anticipated new LEA;

57 “(4) The student’s parent or guardian or other person with educational
58 decision-making rights for the student;

59 “(5) The student’s attorney and guardian ad litem, if applicable;

60 “(6) The student’s social worker, if applicable; and

61 “(7) The student, whenever appropriate.

62 “(c) The student’s transition plan shall:

63 “(1) Include a clear statement of the student’s appropriate educational placement;

64 “(2) List the names and contact information of the persons with responsibility and
65 authority for prompt enrollment;

66 “(3) Include the student’s past and present academic transcripts and
67 documentation of any other supportive activities or services, as applicable;

68 “(4) List names and contact information of the persons responsible for developing
69 the student’s transition plan;

70 “(5) Include a copy of the student’s current IEP or 504 Plan, if applicable; and

71 “(6) At least 10 calendar days prior to the change in placement, be provided to:

72 “(A) The student;

73 “(B) The student’s parents or legal guardians; and

74 “(C) All persons with responsibility and authority for the student’s
75 transition and reenrollment.

76 “(d) A student returning from or transitioning between agency placements shall be
77 enrolled in an appropriate educational placement within 2 days of release or transfer.

78 (c) New sections 4033 through _____ are added to read as follows:

79 “Sec. 4033. School points-of-contact for students in the care of D.C.

80 “(a) Each LEA shall designate at least one employee to serve as the point-of-contact for
81 students in the care of D.C.

82 “(b) The name and contact information for the point-of-contact shall be published on the
83 LEA’s website or otherwise made publicly accessible.

84 “(c) For students transferring into an LEA, the point-of-contact shall be responsible for:

85 “(1) Ensuring that the student is immediately enrolled in the student’s new
86 placement even in the absence of records from the student’s previous placement that are
87 normally required for enrollment;

88 “(2) Ensuring that a student’s new educational placement is capable of providing
89 the student with all special education, related services, and accommodations;

90 “(3) Communicating with the student’s last school attended to obtain relevant
91 academic and other records, including any necessary course descriptions, within 2
92 business days of the student's enrollment in the student’s new educational placement;

93 “(4) Ensuring that the receiving LEA performs a timely transcript evaluation and
94 transfer of credits earned by the student at any previous school attended;

95 “(5) Ensuring that a copy of the transcript evaluation is given to the student’s
96 parent or legal guardian within 5 days after the completion of the evaluation.

97 “(d) For students transferring out of the LEA, the point-of-contact shall be
98 responsible for providing all student records to the new LEA within 2 business days of receiving
99 a request from the student’s receiving school.

100 “Sec. 4034. Facilitating records transmission among agencies.

101 “(a) OSSE shall:

102 (1) Provide DYRS, FCSSD, DOC, and CFSA with access to any data relevant to a
103 student in the care of D.C. contained in OSSE’s Statewide Longitudinal Education Data
104 System (“SLED”);

105 (2) Provide DYRS, CSS, DOC, and CFSA access to the student’s attendance
106 records; provided, that such release of information is in accordance with the requirements
107 of the Family Educational Rights and Privacy Act, FERPA, 20 U.S.C. § 1232g; 34 CFR
108 Part 99;

109 (3) Ensure that SLED provides FAMCare and other human services and
110 corrections data systems with Unique Student Identifiers (USIs); and

111 (4) Grant access to the following data elements contained within the SLED
112 system for students in the care of D.C.:

113 (A) Student name (First, last, and middle initial);

114 (B) Date of birth;

115 (C) Race & Ethnicity;

116 (D) Unique Student Identifiers (USIs);

117 (E) Previous LEA;

118 (F) Previous school name;

119 (G) Previous home address (city, state, and zip code);

120 (H) Direct certification information (SNAP, TANF, or both);

121 (I) Assessment data;

122 (J) Enrollment data, both current and historical;

123 (K) Last grade completed;

124 (L) Advance Placement data;

125 (M) College Board Test data (e.g. SAT, PSAT, ACT);
126 (N) ACCESS assessment results for students who are limited
127 English proficient; and
128 (O) Special education assessment data, including but not limited to
129 the student’s IEP, current and historical, as applicable.

130 (5) OSSE shall provide DYRS, FCSSD, and CFSA with access to the
131 District of Columbia Special Education Data System (“SEDS”) in order to view the records of
132 youth committed to the care and custody of DYRS or CFSA by a court of competent jurisdiction
133 in accordance with District regulations and FERPA, where DCPS is the LEA.

134 (6) OSSE shall provide DYRS with access to SEDS for students placed at
135 the New Beginnings Youth Development Center or students committed to DYRS who are in
136 “awaiting placement” status.

137 TITLE II. EDUCATIONAL CONTINUITY

138 Sec. 201. Creation of a Uniform Transcript Evaluation Procedure

139 (a) Beginning in school year 2021-2022, each LEA shall develop and publish a general
140 course catalogue. The course catalogue shall include:

141 (1) The name of every course approved to be offered to students at any high
142 school within the LEA, regardless of whether the course is presently offered;

143 (2) A brief description of each course named pursuant to paragraph (1) of this
144 subsection;

145 (3) A list of course requirements and pre-requisites; and

146 (4) An indication of which promotion or graduation requirements each course
147 may fulfill.

148 (b) Beginning in school year 2021-2022, each LEA shall adopt and implement a uniform
149 procedure for evaluating the transcripts of students transferring into the LEA who have
150 completed coursework elsewhere. The evaluation procedure shall:

151 (1) Be transparent and publicly available;

152 (2) Be based upon the LEA's published course catalogue;

153 (3) Ensure that students transferring into an LEA receive credit for coursework
154 completed outside the District of Columbia;

155 (4) Establish guidelines by which a transcript evaluator shall determine equivalent
156 credits within the LEA's course catalogue for coursework completed elsewhere;

157 (5) Establish guidelines by which an evaluator may grant quarter- or semester-
158 credits for coursework completed prior to a student's transfer;

159 (6) Ensure proper course and program enrollment for students transferring into the
160 LEA.

161 (c) The evaluating LEA shall provide a copy of the transcript evaluation to the placing
162 agency, the student, and the student's parent or legal guardian within 5 school days of
163 enrollment into a Residential Treatment Center, Psychiatric Residential Treatment
164 Facility , or any other out-of-state placement.

165 (d) Each LEA shall develop and implement a process by which a student or their parent
166 or legal guardian may appeal a transcript evaluation.

167 Sec. 202. Awarding of partial credits.

168 (a) For students in the care of D.C. unable to complete an academic course and receive
169 full credit due to the student's withdrawal or transfer from the LEA, an LEA shall grant partial

170 credit for coursework the student completed before the date of the student's withdrawal or
171 transfer.

172 (b) An LEA shall grant credits in half- or quarter-increments, and credits shall be
173 transferrable between LEAs within the District of Columbia.

174 (c) Partial credits shall be stackable such that they accrue until complete credit for a
175 course is achieved.

176 (d) A receiving LEA shall:

177 (1) Accept partial credits granted by the student's previous LEA;

178 (2) Apply any partial credits to the closest equivalent course at the receiving LEA
179 and to any graduation requirements fulfilled by that equivalent course as if the student
180 completed the course at the receiving LEA; and

181 (3) Ensure that the student is able to accrue credits regardless of the date of
182 enrollment in the receiving LEA.

183 Sec. 203. Course waivers and flexible graduation options.

184 (a) Students in the care of D.C. shall have guaranteed access to enrollment in classes that
185 they require to meet graduation requirements.

186 (b) If a student completes the graduation requirements of his or her LEA while in a secure
187 placement, the LEA shall issue a diploma from the school that the student last attended.

188 (c) DCPS must waive specific courses required for graduation if substantially similar
189 coursework has been satisfactorily completed in another school district.

190 (d) Should a waiver not be granted to a student who would qualify to graduate from the
191 sending school district, the receiving LEA must:

192 (1) Provide reasonable justification for denial in writing;

193 (2) Provide an alternative means of acquiring the required coursework such that
194 the student may graduate on time; and

195 (3) Notify the student and the student’s parent or legal guardian of the relevant
196 appeal process as developed in accordance with Sec. 201(c) of this title.

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198 Sec. 204. Educational continuity at “awaiting placement” facilities

199 (a) OSSE shall hold meetings with DYRS as often as needed, but no less than twice a
200 year, to discuss the delivery of education services and coordination of activities to students
201 within a DYRS facility “awaiting placement” to an out-of-District facility.

202 (b) DYRS shall:

203 (1) Timely notify OSSE of any awaiting placement facilities it intends to contract
204 with for the provision of services to committed youth;

205 (2) Ensure that all committed youth in its care and custody receive educational
206 services in accordance with this statute, as well as those required by the student’s IEP. If
207 applicable;

208 (3) Have access to and use SEDS to record all special education and related
209 services delivered to students in “awaiting placement” facilities; and

210 (4) Ensure awaiting placement facilities are provided with a copy of each
211 student’s most recent IEP, report card, and transcript (and, if applicable, GED test scores)
212 prior to or at the time of arrival.

213 (c) OSSE shall establish a protocol by which DYRS is to assign grades, issue report
214 cards, and host parent conferences.

215 (d) DYRS shall be responsible for:

216 (1) Assigning credits based on the student’s performance in course work
217 completed while in awaiting placement facilities; and

218 (2) Ensuring that the student’s educational records are up to date and ready to be
219 transmitted for all youth discharged from awaiting placement facilities.

220 (e) LEAs shall accept the grades and credits, including partial credits, assigned by DYRS
221 to students in awaiting placement facilities.

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223 TITLE III. Applicability, Fiscal Impact, and Effective Date

224 Sec. 301. Fiscal impact statement.

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

228 Sec. 302. Effective date.

229 This act shall take effect following approval by the Mayor (or in the event of veto by the
230 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
231 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
232 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
233 Columbia Register.

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