



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

CHRISTINA HENDERSON
Councilmember, At-Large
Chairperson, Committee on Health

Committee Member
Hospital and Health Equity
Judiciary and Public Safety
Transportation and the Environment

Statement of Introduction
DC ACHIEVES Establishment Act of 2023
January 27, 2023

Today, I am introducing the DC Advancing College Hopes for Immigrants' Education and Vocational Enrichment Scholarship (DC ACHIEVES) Establishment Act of 2023, along with Councilmembers Charles Allen, Janeese Lewis George, Brianne K. Nadeau, Zachary Parker, Trayon White, Sr., Kenyan R. McDuffie, and Brooke Pinto.

I am committed to ensuring that one's zip code not determine an individual's opportunity for success, and this includes supporting all District of Columbia students in their pursuit of higher education. To this end, I introduced the New Student Loan Borrower Bill of Rights Amendment Act of 2023 to ensure that our students who pursue higher educations are equipped for the financial challenges they may face. The DC ACHIEVES Establishment Act will further the District's commitment to meet *all* students' needs.

The DC ACHIEVES Establishment Act of 2023 requires that the Mayor establish a non-lapsing fund to support the DC ACHIEVES program. The program will provide grants to undocumented District students for tuition and non-tuition expenses not covered by other non-loan assistance. DC ACHIEVES participants must graduate from a District school, have attended school in the District for grades 9-12, be enrolled in an institution of higher education on at least a half-time basis, be 24 years old or younger, and be from a family with an annual household taxable income of no more than 200% of the median family income. District-based foster children attending school out of state due to their placement, and students who were homeschooled are also eligible. Scholarships are awarded on a sliding scale, and students must uphold District residency, maintain at least half-time enrollment, and demonstrate satisfactory academic progress to sustain program eligibility.

In 2014, the Council unanimously passed the DC Promise Establishment Act, which would have provided up to \$37,500 in tuition and non-tuition assistance to District students who met income and residency criteria. This law was never funded, in part because of the fear that funding DC Promise, which included undocumented students among the eligible beneficiaries, would cause the then-Republican-controlled Congress to eliminate the federally-funded DC Tuition Assistance Grant (DC TAG) program. DC TAG provides resources to DC students comparable to those that state governments offer to their students. However, because DC TAG and the District's laws are subject to Congressional approval, undocumented students who lack lawful status in the United States have been excluded. Undocumented students who achieve success in high school and work to pursue postsecondary education should not be denied the opportunity to continue their educational pursuits.



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

Higher education is often priced as if it were a luxury good. This is nearly always true for low-income students who lack citizenship in the United States. I believe that the Council can and should provide financial assistance to our high-achieving undocumented students. I look forward to working with my colleagues on the Council, the Chairman, and others to pass this legislation which will help the District's undocumented students meet their goals of higher education.

1 


2 Councilmember Charles Allen



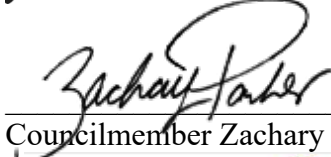
Councilmember Christina Henderson

4 

6 Councilmember Janeese Lewis George



Councilmember Brianne K. Nadeau

8 

10 Councilmember Zachary Parker



Councilmember Trayon White, Sr.

12 

15 Councilmember Kenyan R. McDuffie



Councilmember Brooke Pinto

19 AN ACT

24 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

28 To establish the DC Advancing College Hopes for Immigrants' Education and Vocational
29 Enrichment Scholarship (ACHIEVES) program to provide grants to institutions of higher
30 education on behalf of District students without lawful status in the United States who are
31 ineligible for federal student tuition assistance, to establish a nonlapsing fund to support
32 the program, to establish eligibility criteria and conditions of participation, to establish
33 grant award amounts, and to require the Mayor to issue rules to implement this act.
34

35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 act may be cited as the "DC ACHIEVES Establishment Act of 2023".

37 Sec. 2. Definitions.

38 For the purposes of this act, the term:

39 (1) "Academic year" shall have the same meaning as provided in 34 CFR § 668.3.

40 (2) "Fund" means the DC ACHIEVES Fund established by section 4.

41 (3) “Home school student” means a student in the District who is participating or has
42 participated in a home schooling program that meets the requirements set forth in District law
43 and regulation.

44 (4) “Institution of higher education” means an educational institution that:

45 (A) Admits as regular students persons having a certificate of graduation
46 from a school providing secondary education, or the recognized equivalent of a secondary school
47 diploma;

48 (B) Is legally authorized within a state to provide a program of education beyond
49 secondary education;

50 (C) Provides:

51 (i) An educational program for which the institution awards a bachelor's
52 degree;

53 (ii) or provides not less than a 2-year program that is acceptable for full
54 credit toward such a degree; or

55 (iii) Not less than a one-year program of training to prepare students for
56 gainful employment in a recognized occupation;

57 (D) Is a public or private nonprofit institution; and

58 (E) Is accredited by a nationally recognized accrediting agency or association, or
59 if not so accredited, is an institution that has been granted pre-accreditation status by such an
60 agency or association that has been recognized by the Secretary of Education of the United
61 States Department of Education for the granting of pre-accreditation status, and the Secretary of
62 Education has determined that there is satisfactory assurance that the institution will meet the
63 accreditation standards of such an agency or association within a reasonable time.

64 (5) “Median Family Income” or “MFI” means the median family income, adjusted for
65 household size, for the Washington Metropolitan Statistical Area as set forth in the periodic
66 calculation provided by the United States Department of Housing and Urban Development.

67 (6) “Non-tuition expenses” means costs associated with attending an institution of higher
68 education, excluding tuition and fees, as determined by the Mayor through rulemaking.

69 (7) “Recognized equivalent of a secondary school diploma” means a general equivalency
70 degree or other such equivalent as determined by the Mayor through rulemaking.

71 (8) “Satisfactory academic progress” means maintaining an academic standing consistent
72 with the requirements for graduation, as determined by the institution of higher education;
73 provided, that an institution of higher education may waive this requirement based on undue
74 hardship because a student has:

75 (A) Experienced the death of a relative;

76 (B) A personal injury or illness; or

77 (C) Another special circumstance as determined by the institution of
78 higher education to warrant a waiver.

79 (9) “Student without lawful status in the United States” means a student who is not a
80 citizen of the United States and who is not eligible to receive federal student tuition loans and
81 grants due to their status.

82 Sec. 3. DC ACHIEVES program establishment; administration.

83 (a) There is established the DC ACHIEVES program (“program”). The purpose of the
84 program is to assist students without lawful status in the United States who are ineligible for
85 federal tuition loan and grant programs in obtaining post-secondary education or training by

86 providing grants to institutions of higher education to support the costs associated with tuition
87 and non-tuition expenses not covered by other non-loan assistance.

88 (b)(1) Except as provided in paragraph (2) of this subsection, the Mayor shall administer
89 the DC ACHIEVES program.

90 (2) If the Mayor determines that it would result in more efficient administration, the
91 Mayor may enter into a grant, contract, or cooperative agreement with another public entity or
92 with a private entity to administer the program; provided, that the entity selected has a minimum
93 of 5 years of experience in the administration of a college scholarship program.

94 Sec. 4. DC ACHIEVES Fund.

95 (a)(1) There is established as a special fund the DC ACHIEVES Fund (“Fund”), which
96 shall be administered by the Mayor in accordance with subsections (c) and (d) of this section.

97 (b) The Fund shall consist of revenue from the following sources:

98 (1) Annual appropriations, if any; and

99 (2) Grants, gifts, or subsidies from public or private sources.

100 (c) Except as provided in subsection (d) of this section, the Fund shall be used solely for
101 the purposes of this act.

102 (d) The Mayor may use not more than 5% of the funds deposited into the Fund to pay the
103 administrative expenses of the program for the fiscal year.

104 (e)(1) The money deposited in the Fund, and any interest earned, shall not revert to the
105 unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal
106 year, or at any other time.

107 (2) Subject to authorization in an approved budget and financial plan, any funds
108 appropriated in the Fund shall be continually available without regard to fiscal year limitation.

109 Sec. 5. Eligibility.

110 (a) An individual is eligible to participate in the DC ACHIEVES program if the
111 individual:

112 (1) On or after January 1, 2024:

113 (A) Has graduated from a District secondary school;

114 (B) Has obtained a recognized equivalent of a secondary school diploma;

115 (C) Is a home school student who has completed a secondary school
116 program;

117 (2) Except as provided in subsection (c) of this section, has attended a District
118 secondary school for grades 9 through 12;

119 (3) Has not already completed a bachelor's degree at an institution of higher
120 education;

121 (4) Has been accepted for enrollment on at least a half-time basis into an
122 institution of higher education;

123 (5) Was domiciled in the District for not less than the 12 consecutive months
124 preceding the commencement of enrollment at an institution of higher education or the time of
125 application to the DC ACHIEVES program; and

126 (6) At the time of application to the program is:

127 (A) Domiciled in the District;

128 (B) 24 years old or younger;

129 (C) From a family with an annual household taxable income of no more
130 than 200% of the MFI;

131 (D) Is a student without lawful status in the United States; and

132 (E) intends to apply to an institution of higher education on at least a half-
133 time basis;

134 (b) In addition to the eligibility requirements set forth in subsection (a) of this section, an
135 individual must begin at least half-time study at an institution of higher education within 3
136 calendar years of graduating from a secondary school in the District, obtaining the recognized
137 equivalent of a secondary school diploma, or, in the case of a home school student, completing a
138 secondary school program, excluding any period of service on active duty in the armed forces or
139 service under the Peace Corps Act, approved September 22, 1961 (75 Stat. 612; 22 U.S.C. §
140 2501 et seq.), or subtitle D of title I of the National and Community Service Act of 1990,
141 approved November 16, 1990 (104 Stat. 3150; 42 U.S.C. § 12501, note).

142 (c) An individual who receives a recognized equivalent of a secondary school diploma or
143 who is a home school student who has completed a secondary school program shall be exempt
144 from the requirement of subsection (a)(2) of this section; provided, that the Mayor may establish
145 through rulemaking an alternative eligibility requirement for these individuals in lieu of the
146 requirement set forth in subsection (a)(2) of this section.

147 (d) Notwithstanding the requirements of subsection (a)(1)(A), (2), (5) and (6)(A), an
148 individual in the District's foster care system who was placed outside the District by the foster
149 care system who meets the eligibility requirements of subsection (a)(1)(B), (3), (4), (6)(B), (C),
150 and (D) of this section shall be deemed eligible to participate in the DC ACHIEVES program.

151 (e) Subject to the availability of funds, the Mayor may expand by rulemaking eligibility
152 for the program to include individuals not eligible under the terms of this section.

153 Sec. 6. Conditions of participation.

154 (a) As a condition of participation, the Mayor shall create an application that will
155 determine program eligibility.

156 (b) To maintain eligibility for the DC ACHIEVES program, an individual shall:

157 (1) Maintain at least half-time-status at an institution of higher education;

158 (2) Maintain satisfactory academic progress at the institution of higher education;

159 (3) Continue to be domiciled in the District of Columbia throughout attendance at
160 the institution of higher education; and

161 (4) Meet any other requirements determined by the Mayor to be necessary or appropriate,
162 as set forth in rulemaking.

163 Sec. 7. DC ACHIEVES grants.

164 (a) The maximum grant award available through the DC ACHIEVES program for an
165 individual from a family that has an annual household taxable income:

166 (1) Of no more than 80% of the MFI, shall be \$16,500 for any academic year with
167 a lifetime total of not more than \$82,500;

168 (2) Greater than 80% but less than or equal to 125% of the MFI, shall be \$14,000
169 for any academic year with a lifetime total of not more than \$70,000; and

170 (3) Greater than 125% of the MFI but less than or equal to the maximum eligible
171 income as set forth in regulations issued pursuant to this act, shall be \$11,500 for any academic
172 year with a lifetime total of not more than \$57,500.

173 (b) In addition to the maximum grant awards set forth in subsection (a) of this section, up
174 to \$10,000 per academic year may be made available for a program participant who has been in
175 the District's foster care system.

176 (c) No grant award shall be made available to an institution of higher education on behalf
177 of a DC ACHIEVES participant more than 6 years from the date the individual was first enrolled
178 in the institution of higher education. A DC ACHIEVES participant shall be eligible for DC
179 ACHIEVES grant award for no more than 5 academic years.

180 (d) The Mayor shall prorate program grant awards for students who attend an eligible
181 institution on less than a full-time basis; provided, that no grant award shall be available for a
182 student who attends an eligible institution of higher education on less than a half-time basis.

183 (e)(1) A DC ACHIEVES grant awarded on behalf of a DC ACHIEVES program
184 participant shall be provided directly to the institution of higher education the program
185 participant is attending to be used as follows:

186 (A) The DC ACHIEVES grant shall be used to pay costs associated with tuition,
187 fees, books and materials, room and board, and other non-tuition expenses that have not been
188 satisfied by any:

189 (i) Need-based or merit-based grants from the institution of higher
190 education;

191 (ii) Scholarships;

192 (iii) Tuition or fee waivers;

193 (iv) Tuition remission that could only be used for tuition; and

194 (v) Other non-loan assistance.

195 (2) If the participant's eligible costs are satisfied by non-loan assistance, a DC
196 ACHIEVES grant shall not be available for the period financed by the non-loan assistance.

197 (f) A DC ACHIEVES grant shall, in all cases, supplement and not supplant non-loan
198 assistance that is provided to a DC ACHIEVES program participant.

199 (g) The Mayor, in accordance with regulations issued pursuant to this act, may reduce
200 grant awards if funds available to the program are insufficient to meet the award levels
201 established in this section and to prohibit an institution of higher education from receiving DC
202 ACHIEVES grants based on a pattern of academic failure of program participants.

203 Sec. 8. Adult education.

204 (a) In addition to the grant awards available pursuant to section 7, the Mayor shall:

205 (1) Establish a grant award program within the DC ACHIEVES program to
206 support post-secondary education and training opportunities for individuals who exceed the
207 maximum eligibility age established in section 5(a)(6)(B); and

208 (2) By January 1, 2024 establish eligibility criteria and award levels for this
209 program through rulemaking.

210 (b) The Mayor may use funds in the Fund to support grants awarded pursuant to this
211 section.

212 Sec. 9. Rules.

213 The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act,
214 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules
215 to implement the provisions of this act.

216 Sec. 10. Applicability.

217 This act shall apply upon the inclusion of its fiscal effect in an approved budget and
218 financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in
219 a certification published by the Council in the District of Columbia Register.

220 Sec. 11. Fiscal impact statement.

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

224 Sec. 12. Effective date.

225 This act shall take effect following approval by the Mayor (or in the event of veto by the
226 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
227 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
228 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
229 Columbia Register.