

A RESOLUTION

24-12

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 5, 2021

To declare the existence of an emergency with respect to the need to amend the District of Columbia Nonresident Tuition Act to allow District of Columbia students enrolled at District of Columbia Public Schools or public charter schools, who attend non-public schools or programs, to continue their education for the remainder of the school year in which legal permanency is achieved and through the end of the following school year, without payment of nonresident tuition, if the child ceases to be in the care and custody of the District as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Non-Public Student Educational Continuity Emergency Declaration Resolution of 2021”.

Sec. 2. (a) In 2014, the Council approved the Educational Continuity Amendment Act of 2014 (“act”), as part of D.C. Law 20-155, the Fiscal Year 2015 Budget Support Act of 2014. The act created a residency exemption for wards of the District, allowing youth under the care of the District to continue to attend their District of Columbia Public Schools (“DCPS”) school or public charter school if they are placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District. This provides for continuity in their education.

(b) Unfortunately, the act left out students who are enrolled in a DCPS or District public charter school but are attending a non-public school or program. When these students cease to be wards of the District and are placed in the permanent care of an individual who resides outside of the District, the District stops paying tuition to the students’ non-public schools. In turn, they often have to leave the non-public schools, or their new guardians have to find thousands of dollars to pay their tuition. Arguably, these students need continuity in their education the most.

(c) In 2020, the Council learned that numerous students were impacted by the lapse in the act, so the Council approved D.C. Act 23-242, the Non-Public Student Educational Continuity Emergency Amendment Act of 2020, and D.C. Law 23-104, the Non-Public Student Educational Continuity Temporary Amendment Act of 2020. D.C. Act 23-242 expired on May 31, 2020, and

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D.C. Law 23-104 expires on January 28, 2021. Permanent legislation has not yet been passed to address the lapse in the act.

(e) A second round of emergency legislation is necessary to continue to provide the Office of the State Superintendent of Education the clarity it needs to ensure that non-public students maintain the continuity of education afforded to students who are not in non-public placements.

(f) To ensure that there is no gap between D.C. Law 23-104 and the proposed emergency measure, an applicability date of January 28, 2021, has been added to the emergency measure.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the Non-Public Student Educational Continuity Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.