

A RESOLUTION

24-615

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2022

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 2022”.

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

(b) Unfortunately, the law leaves 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 the tuition to their 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 law, 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 D.C. Law 23-104 expired on January 28, 2021. Another round of emergency (D.C. Act 24-9) and temporary legislation (D.C. Law 24-1) was approved in 2021.

(d) On November 1, 2021, a third round of emergency (D.C. Act 24-236) and temporary (D.C. Act 24-237) legislation was introduced to avoid a lapse in coverage when the second round of legislation expired on December 1, 2021. The most recent temporary legislation expires on October 7, 2022.

(e) Permanent legislation, Bill 24-135, was introduced on March 2, 2021, and a hearing was held on December 15, 2021. The Committee of the Whole marked up and the full Council passed Bill 24-135 on first reading on July 12, 2022. Bill 24-135 will receive second reading on September 20, 2022.

(f) Another emergency measure 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 placement until the permanent measure goes into effect.

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 Tuition Continuity Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.