

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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,” 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 are placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District of Columbia. This provides for continuity in their education.

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

46 (c) In 2020, the Council learned that numerous students were impacted by the lapse in the  
47 law, so the Council approved D.C. Act 23-242, the “Non-Public Student Educational Continuity  
48 Emergency Amendment Act of 2020,” and D.C. Law 23-104, the “Non-Public Student  
49 Educational Continuity Temporary Amendment Act of 2020.” D.C. Act 23-242 expired on May  
50 31, 2020, and D.C. Law 23-104 expires on January 28, 2021. Permanent legislation has not yet  
51 been passed to address this lapse.

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

56 (f) To ensure that there is no gap between the first round of emergency and temporary  
57 legislation and the second round, an applicability date of January 28, 2021 has been added to the  
58 emergency.

59 Sec. 3. The Council of the District of Columbia determines that the circumstances in  
60 section 2 constitute emergency circumstances, making it necessary that the Student Educational  
61 Continuity Second Emergency Amendment Act of 2020 be adopted after a single reading.

62 Sec. 4. This resolution shall take effect immediately.