


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: December 30, 2020

RE: **Request to Place Emergency Measures on the Agenda for the January 5, 2021 Legislative Meeting**

Please place the following measures on the agenda for the January 5, 2021 legislative meeting:

- **Non-Public Student Educational Continuity Emergency Declaration Resolution of 2020**
- **Non-Public Student Educational Continuity Emergency Amendment Act of 2020**
- **Non-Public Student Educational Continuity Temporary Amendment Act of 2020**

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.” That 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. Unfortunately, the law leaves out students who are enrolled in a DCPS or DC 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 2020, the Council learned that numerous students were impacted by this 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 expires on January 28, 2021. Permanent legislation has not yet been passed to address this lapse.

A second round of emergency and temporary 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 placement. To ensure that there is no gap in coverage between the first and second round of emergency and temporary legislation, an applicability date of January 28, 2021 has been added to the second round of legislation. This is the only difference between the two rounds of legislation.

The draft measures are attached. Please call me or Ms. Christina Setlow if you have any questions at (202) 724-4865.

cc: All Councilmembers
Council Officers
