


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: October 28, 2021

RE: **Request to Place Emergency Measures on the Agenda for the November 2, 2021 Legislative Meeting**

Please place the following measures on the agenda for the November 2, 2021 legislative meeting:

- **Non-Public Tuition Continuity Emergency Declaration Resolution of 2021**
- **Non-Public Tuition Continuity Emergency Amendment Act of 2021**
- **Non-Public Tuition Continuity Temporary Amendment Act of 2021**

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 and D.C. Law 23-104 expired on May 31, 2020 and January 28, 2021, respectively. A second round of emergency (D.C. Act 24-9) and temporary (D.C. Law 24-1) legislation was approved earlier this year. Permanent legislation has not yet been passed to address this lapse.

A third 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. Other than the short titles being slightly different and no applicability date in the third round of legislation (there was one in the second round of legislation), these measures are identical to the first and second 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
