

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

DRAFT

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: July 12, 2022

SUBJECT: Report on Bill 24-135, “Non-Public Student Educational Continuity Amendment Act of 2022”

The Committee of the Whole, to which Bill 24-135, “Non-Public Student Educational Continuity Amendment Act of 2022” was referred, reports favorably thereon with minor amendments and recommends approval by the Council.

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I. BACKGROUND AND NEED

On March 1, 2021, Bill 24-135, the “Non-Public Student Educational Continuity Amendment Act of 2021” was introduced by Chairman Phil Mendelson. The purpose of this bill is to allow a child who was previously under the custody and care of the District, that is placed in permanent care and custody of a parent, guardian or custodian who resides outside of the District, to continue their education for the remainder of the school year and through the end of the following school year, without being required to pay non-resident tuition.

This legislation makes a small, but important modification to D.C. Code § 38-302(e) that currently states that if a youth in the care and custody of the District and attends public school is placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District will be considered a resident of the District for the purpose of school attendance and excused from paying tuition.

This change would expand the definition of resident for the purposes of assessing tuition for students in foster care who live outside of the District while remaining enrolled in a DCPS or public charter school. Traditionally, students who reside outside of the District, but are enrolled in a DC public or public charter school, are charged tuition. For the purposes of this tuition determination, a minor student is deemed to not be a resident of the District if that student does not have a parent, guardian, custodian, or other primary caregiver who resides in the District. When a student ceases to be a ward of the District and is 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.

Tuition for students in foster care who are enrolled in a DCPS or public charter school but attend a non-public school are not covered under § 38-302(e). This permanent legislation addresses this gap. For students with disabilities, there are cases in which the school cannot meet the education needs outlined in the student’s Individualized Education Program (IEP). In such cases, the student’s IEP team may determine that the most appropriate placement for that student would be in a non-public educational setting. When the student’s IEP team decides that a non-public school is warranted, the student’s public school of origin is responsible for paying the student’s tuition at the non-public school.

This legislation mirrors three rounds of emergency and temporary legislation approved by the Council last year. In 2020, the Council learned that numerous students were impacted by the lapse in the law and passed emergency¹ and temporary² legislation to ensure that this vulnerable group of students was protected from education disruption or an overwhelming tuition bill. When the above temporary legislation expired on January 28, 2021, the Council again passed emergency³ and temporary⁴ legislation to ensure educational continuity for these students. On November 1, 2021, a third round of emergency⁵ and temporary⁶ legislation was introduced to avoid a lapse in coverage when the second round of legislation expired on December 1, 2021. This most recent temporary legislation expires on October 7, 2022. The Committee recommends adoption of the Committee Print for Bill 24-135 because if a student in foster care has special education needs so significant that they require a non-public education, this Bill provides the clarity needed to ensure the District continues to pay a student’s non-public tuition in cases where the student achieves permanency outside the District.

II. LEGISLATIVE CHRONOLOGY

March 1, 2021 Bill 24-135, “Non-Public Student Educational Continuity Amendment Act of 2021,” is introduced by Chairman Mendelson.

March 2, 2021 Bill 24-135 is referred to the Committee of the Whole.

¹ D.C. Act 23-242, Non-Public Student Education Continuity Emergency Amendment Act of 2020.

² B23-651.

³ B24-4.

⁴ B24-5.

⁵ B24-485.

⁶ B24-486.

- March 5, 2021 Notice of Intent to Act on Bill 24-135 is published in the *District of Columbia Register*.
- November 22, 2021 Notice of Public Hearing on Bill 24-135 is filed in the Office of the Secretary.
- November 26, 2021 Notice of Public Hearing on Bill 24-135 is published in the *District of Columbia Register*.
- December 15, 2021 The Committee of the Whole held a public hearing on Bill 24-135.
- July 12, 2022 The Committee of the Whole marks up Bill 24-135.

III. POSITION OF THE EXECUTIVE

Sarah Jane Forman, General Counsel, Office of the State Superintendent, testified on behalf of the Mayor regarding Bill 24-135. Ms. Forman, stated that OSSE supports this legislation and explained that without a permanent statutory change, OSSE does not otherwise have the authority to pay tuition for students in this situation at non-public schools.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from any Advisory Neighborhood Commission on Bill 24-135.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 24-135 on December 15, 2021. The testimony from the hearing is summarized below. Copies of written testimony are attached to this report.

Allison Kahn-Pauli, CASA for Children of DC, testified in favor of this measure as it is in the best interest of foster youth in the District. School change jeopardizes foster youth's academic success as youth in foster care experience significant instability - not only through being removed from their homes, but also experiencing placement changes. With placement changes, foster youth are often faced with school changes and with every move, it is estimated that four to six months of academic progress is lost. School change brings a disruption in supportive relationships and discontinuity in course content, hindering learning progress. CASA DC applauds efforts that the Council has taken to safeguard educational stability for foster youth by introducing this permanent legislation.

Danielle Robinette, Children's Law Center, testified in favor of this measure because this is crucial to ensuring that educational continuity does not conflict with permanency for students in

foster care. Ms. Robinette noted this provision is particularly important because the Child and Family Services Agency (CFSA) places roughly 50% of children in their care outside the District, which is additionally difficult for students and their families having to navigate the complexities of the foster care system and the special education system. She also positively noted the several rounds of emergency and temporary legislation geared towards addressing this gap in the law. Ms. Robinette concluded that passage of Bill 24-135 will provide families with a permanent clear right to educational continuity for their student, as well as a timeline by which families may plan for their student's educational future.

Sarah Jane Forman, General Counsel, Office of the State Superintendent, acknowledged the importance of youth in the custody of the District obtain the educational services for which they are entitled no matter their custodial arrangement. Ms. Forman explained the process for students to receive special education services that are documented in an IEP under Individuals with Disabilities Act (IDEA). IDEA mandates that, to the maximum extent appropriate, all children with disabilities be educated with their non-disabled peers in the least restrictive environment. In some instances, placements may be in non-public educational facilities inside or outside of the District of Columbia. OSSE provides tuition payments to non-public schools for services provided to resident students that attend those schools. Ms. Forman concluded that continued authority, through this permanent legislation, to provide these tuition payments ensures educational continuity and reduces burden on students and families.

VI. IMPACT ON EXISTING LAW

Pursuant to D.C. Official Code §§ 38-302(e), a child in the care and custody of the District pursuant to § 16-2320(a)(3), while attending a DCPS or public charter school, ceases to be in that care and custody as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District, shall be considered a resident of the District for the purpose of school attendance and shall be exempt from the requirement to pay tuition for the period of time until the child completes the educational program offered at the school the child currently attends. This permanent legislation clarifies that students enrolled in a DCPS or public charter school, but attending a non-public school, are considered residents for the purposes of assessing tuition. Further, it specifies that this exception applies for the remainder of the school year in which the change in care and custody occurs and continues through the end of the following school year.

VII. FISCAL IMPACT

VIII. SECTION-BY-SECTION ANALYSIS

Section 1

States the short title of Bill 24-135.

- Section 2 Includes students that are enrolled in DCPS or public charter school and attending a non-public school or program pursuant to section to be eligible to receive non-public school or program tuition. This section also allows eligible students currently enrolled in a DCPS or public charter school and attending a non-public school or program to continue enrollment for the remainder of the school year in which the change in care and custody occurs and through the end of the following school year.
- Section 3 Adopts the Fiscal Impact Statement
- Section 4 Establishes the effective date by stating the standard 30-day Congressional review language.

IX. COMMITTEE ACTION

X. ATTACHMENTS

1. Bill 24-135 as introduced.
2. Written Testimony.
3. Fiscal Impact Statement for Bill 24-135.
4. Legal Sufficiency Determination for Bill 24-135.
5. Racial Equity Impact Assessment for Bill 24-135.
6. Comparative Print for Bill 24-135.
7. Committee Print for Bill 24-135.

CASA for Children of DC Testimony on the Non-Public Educational Continuity Amendment Act of 2021

For nearly 20 years, CASA for Children of DC has advocated for the best interests of foster youth in the District of Columbia. We have provided volunteer advocates to over 1900 youth, helping foster children to achieve permanency and better outcomes, particularly in education. Today, we are turning our advocacy to voice support for The Non-Public Educational Continuity Amendment Act of 2021.

Education is an area of significant challenge for foster youth. [They are often at a greater educational disadvantage compared to youth in the general population](#), compounded by the trauma that they have experienced and the instability of the foster care system. They are less likely to graduate from high school or college. Just [3% of foster youth obtain a college degree](#). Nationally, and in the District, [child welfare-involved youth consistently perform lower in math and reading achievement](#). In 2020, less than 26% of DC's child welfare-involved youth were approaching, at, or exceeding expectations in Math or English. Fortunately, interventions can help. With the support of a CASA Volunteer, 88% of our youth in 2021 were approaching expectations in school or greater. Our youth had an average GPA of 2.6, compared to 1.9 for the average DC child welfare involved youth.

There are many factors that can be addressed to improve educational outcomes for foster youth. We know that, for foster youth, the traumatic impact of abuse and neglect places children at risk of [developmental challenges, including impacted cognitive functioning and learning](#), leading to lower academic achievement; this is exacerbated by [mental health challenges](#) that may worsen foster youth's educational struggles. But there is another key factor that jeopardizes foster youth's academic success - school change.

Youth in foster care experience significant instability - not only through being removed from their homes, but also experiencing placement changes. With placement changes, foster youth are often faced with school changes - and with every move, it's estimated that [4-6 months of academic progress is lost](#). [School change brings a disruption in supportive relationships and discontinuity in course content, hindering learning progress](#). While achieving permanency is the ultimate goal for children in foster care, when that permanency necessitates school change, it continues the threat to youth's educational success by perpetuating further instability.

CASA DC applauds efforts that the District has taken to safeguard educational stability for foster youth - both through CFSA's implementation of the Every Student Succeeds Act for youth in foster care, and the Educational Continuity Amendment of 2014, allowing youth who have achieved permanency outside of the District to continue attending their DC Public School. However, that Act did not cover non-public schools or programs. Temporary legislation has

sought to reconcile this gap since 2020. The Non-Public Educational Continuity Amendment Act of 2021 would allow this support to continue for non-public youth. As best interest advocates for foster youth, CASA DC supports this act. Together, with supportive legislation, public agencies, and non-profit organizations working together, the District of Columbia can continue working to improve educational outcomes for foster youth.



Testimony Before the District of Columbia Council
Committee of the Whole
December 15, 2021

Public Hearing:
Bill 24-135, Non-Public Student Educational Continuity Amendment Act of 2021

Danielle Robinette
Policy Attorney
Children's Law Center

Good morning, Chairman Mendelson and members of the Committee. My name is Danielle Robinette. I am a Policy Attorney at Children's Law Center, a resident of Ward 6, and, prior to law school, I was a public-school teacher. I am testifying today on behalf of the Children's Law Center which fights so every DC child can grow up with a stable family, good health, and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.¹

Thank you for the opportunity to testify today regarding Bill 24-135, Non-Public Student Educational Continuity Amendment Act of 2021. This bill addresses the crucial educational needs of students at the margins of the margins. While a series of emergency and temporary bills have protected this vulnerable group of students in recent years, we appreciate the Committee for working to make this change permanent.

Bill 24-135, Non-Public Student Educational Continuity Amendment Act of 2021 makes a small, but important change to D.C. Code § 38-302(e). This change, if passed, would expand the definition of resident for the purposes of assessing tuition for students who live outside of the District while remaining enrolled in a DCPS or public charter school. Traditionally, students who reside outside the District of Columbia, but are enrolled in a DC public or public charter school are charged tuition. For the purposes of this tuition determination a minor student is deemed to not be a resident of DC that student

“does not have a parent, guardian, custodian, or other primary caregiver who resides in the District of Columbia.”²

However, D.C. Code creates exceptions for certain groups of students who do not meet the above definition but are still to be considered residents for the purposes of assessing tuition. As relevant here, § 38-302(e) includes students in the care and custody of the District of Columbia who cease to be in that care and custody due to an establishment of permanency outside the District. In other words, a child in foster care who achieves permanency outside of DC through adoption, guardianship, or custody agreement is permitted to continue attending their DC school through the end of that school’s educational program without triggering the requirement of tuition.³ This Code section is crucial to ensuring educational continuity does not conflict with permanency for students in foster care. This provision is particularly important in the DC context as the Child and Family Services Agency (CFSA) places roughly 50% of children in their care outside DC.⁴

Since the 2015 inclusion of § 38-302(e) in the District’s non-resident tuition law,⁵ however, a gap surfaced for students in care who are enrolled in a DCPS or public charter school but attend a non-public school. For students with disabilities, there are cases in which the school cannot meet the education needs outlined in the student’s Individualized Education Program (IEP). In such cases, the student’s IEP team may determine that the most appropriate placement for that student would be in a non-public

school. When the student's IEP team decides that a non-public school is warranted, the student's public school of origin is responsible for paying the student's tuition at the non-public school.⁶ However, when a student in foster care has special education needs so significant that they require a non-public school, DC Code § 38-302(e) lacked the clarity needed to ensure that DC continued to pay the student's non-public tuition in cases where the student achieves permanency outside the District.

This lack of clarity in the law led to DC LEAs declining to pay the non-public tuition for students who achieved permanency outside of DC. While DC Code § 38-302(e) required that the student be allowed to finish the education program at their DC public or public charter school, LEAs did not interpret this to mean that LEAs were also obligated to pay the student's non-public tuition. This interpretation created several perverse incentives for students and their families having to navigate the complexities of the foster care system and the special education system. For many families, paying tens of thousands of dollars in non-public tuition is simply not feasible. In these situations, families were forced to choose between achieving permanency or maintaining their student's placement in the setting best suited to meet their educational needs.

In early 2020, when the Council learned of this gap in the law, it passed emergency⁷ and temporary⁸ legislation to ensure that this vulnerable group of students was protected from education disruption or an overwhelming tuition bill. This legislation amended DC Code § 38-302(e) to clarify that students enrolled in a DC public or public charter school

but attending a non-public school are considered residents for the purposes of assessing tuition. Further, it amends § 38-302(e) to specify that this exception applies for the remainder of the school year in which the change in care and custody occurs and through the end of the following school year. These two amendments provide both immediate educational continuity and a reasonable timeline by which families can transition to alternative arrangements for their student.

When the above temporary legislation expired in January 2021, the Council again passed emergency⁹ and temporary¹⁰ legislation to ensure educational continuity for these students. In November 2021, a third round of emergency legislation¹¹ was introduced to avoid a lapse in coverage when the second round of legislation expired on December 1, 2021. While these temporary fixes have ensured financial and educational stability for these students during a tumultuous period, it is not a sustainable solution. As each new expiration date approaches, families worry that they will unexpectedly on the hook for an expensive tuition bill. For this reason, we appreciate the Council's work to make this legislative fix permanent. Passage of Bill 24-135 will provide families with a clear right to educational continuity for their student as well as a timeline by which they can plan for their student's educational future.

Thank you for this opportunity to testify and I welcome any questions.

¹ Children’s Law Center fights so every child in DC can grow up with a stable family, good health, and a quality education. Judges, pediatricians, and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With almost 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And we multiply this impact by advocating for city-wide solutions that benefit all children.

² D.C. Code § 38-302(a)(2).

³ See § 38-302(e)

⁴ See Brenda Donald, Child and Family Services Agency, “Performance Oversight Hearing Fiscal Year 2020-2021: Responses to Hearing Questions,” at 92 (February 119, 2021), available at:

[https://dccouncil.us/wp-content/uploads/2021/03/FY20-](https://dccouncil.us/wp-content/uploads/2021/03/FY20-21_CFSA_POH_PreHearing_Responses_FINAL2.pdf)

[21_CFSA_POH_PreHearing_Responses_FINAL2.pdf](https://dccouncil.us/wp-content/uploads/2021/03/FY20-21_CFSA_POH_PreHearing_Responses_FINAL2.pdf) (stating, in response to question 81, that in FY20 there were 693 children in foster care and, of those, 347 were residing with a foster care provider outside of DC).

⁵ See “Fiscal Year 2015 Budget Support Act of 2014” § 4042.

⁶ 34 CFR § 300.146.

⁷ B23-0650 “Non-Public Student Educational Continuity Emergency Amendment Act of 2020.”

⁸ B23-0651 “Non-Public Student Educational Continuity Temporary Amendment Act of 2020.”

⁹ B24-0004 “Non-Public Student Educational Continuity Emergency Amendment Act of 2021.”

¹⁰ B24-0005 “Non-Public Student Educational Continuity Temporary Amendment Act of 2021.”

¹¹ B24-0485 “Non-Public Student Educational Continuity Second Emergency Amendment Act of 2021.”

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the State Superintendent of Education



Public Hearing on
“Bill 24-135, Non-Public Student Educational Continuity Amendment Act of 2021”

Testimony of
Sarah Jane Forman
General Counsel
Office of the State Superintendent of Education

Before the
Committee of the Whole
The Honorable Phil Mendelson, Chairman

Council of the District of Columbia
Virtual
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Good afternoon, Chairman Mendelson and members of the Committee of the Whole, my name is Sarah Jane Forman, and I am the General Counsel for the Office of the State Superintendent of Education. I am pleased to appear before you today for this public hearing on Bill 24-135, the Non-Public Student Educational Continuity Amendment Act of 2021.

It is important that children in the custody of the District of Columbia obtain the educational services for which they are entitled no matter their custodial arrangement. In some instances, a child formerly in the care of the District may be placed in permanent care and custody of a parent, guardian, or custodian who resides outside of the District of Columbia. Children with nonresident parents or guardians may not attend public schools in the District of Columbia without paying tuition.¹ Yet, local law provides some exceptions, and one such case is when a child's custody changes from the District to a parent or guardian that is a nonresident. If the child attends a District of Columbia Public School or a public charter school, the District pays tuition until the child completes the educational program offered at the school. However, the law does not address tuition payments for students attending non-public special education schools. This is the issue that the legislation before the Committee today seeks to address.

Allow me to provide some background on student placements into non-public schools. The Individuals with Disabilities Act (IDEA) requires children, aged 3 to 22, to receive special education services that are documented in an individualized education program (IEP). IDEA mandates that, to the maximum extent appropriate, all children with disabilities be educated with their non-disabled peers in the least restrictive environment. Yet, there may be instances where the nature and severity of a child's disability warrants a more restrictive placement. Although local education agencies (LEAs) should always consider placement in the general education classroom within the District of Columbia before considering a more restrictive setting, there may be instances where a more restrictive placement is appropriate. Changes in placement must be made consistent with OSSE's policies.² An IEP team makes the decision to place a child into a more restrictive environment and OSSE, with parent input, will make a decision regarding location assignment. In some instances, placements may be in private or residential facilities inside or outside of the District of Columbia. Nonpublic special education schools or programs are privately owned or operated schools that maintain or conduct classes for the purpose of offering instruction to students with disabilities. Nonpublic schools or programs are responsible for maintaining a full certificate of approval (COA) from OSSE and must follow applicable laws, submit annual compliance reports, and participate in on-site monitoring visits. OSSE provides tuition payments to non-public schools for services provided to resident students that attend those schools.

Yet, when a student has non-resident parents, it's the parents or guardians that pay the tuition, not the District. And in situations where the custodial arrangement shifts from the District to a non-resident parent, that non-resident parent would be required to make the tuition payments under existing permanent law. This Council has created a remedy to address this situation through emergency and temporary legislation, and the Non-Public Student Educational Continuity Amendment Act of 2021 would make previous emergency and temporary legislation permanent. The bill would allow students that go from being in the care of the District of Columbia to the permanent care or custody of a parent outside of the District the ability to stay enrolled in a non-public school until the end of the school year

¹ See D.C. Code 38-302.

² ["Policies and Procedures for Placement Review, Revised."](#) Office of the State Superintendent of Education. January 5, 2010.

in which the change in care and custody occurs and through the end of the following school year. During that time, the District would pay for the tuition of these students.

OSSE supports this legislation. The situation described above that the bill seeks to address occurs rarely and impacts a very small number of children. Further, without a permanent statutory change, OSSE does not otherwise have the authority to pay tuition for students in this situation at non-public schools. These students would be found to be non-residents under existing law. Further, we do not want to deter the adoption and placement of some of the District's most vulnerable children on these grounds. These custodial arrangements are sensitive, and gaps in educational services, especially for students with unique learning needs, could add additional burden on adoptive families. That's not our intent, and continued authority to provide these tuition payments ensures educational continuity and reduces some of that burden on students and families.

We appreciate the Council's effort to make this legislation permanent. We believe that it is an important correction to support some of the District's most vulnerable children. Thank you for affording me the opportunity to testify before you today. I am prepared to answer any questions that you may have.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
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(202) 724-8026

MEMORANDUM

TO: Chairman Phil Mendelson

FROM: Nicole L. Streeter, General Counsel *NLS*

DATE: June 21, 2022

RE: Legal sufficiency determination for the Non-Public Student Educational Continuity Amendment Act of 2022, Bill 24-135.

The measure is legally and technically sufficient for Council consideration.

The proposed bill would amend section 2(e) of An Act To require the payment of tuition on account of certain persons who attend the public schools of the District of Columbia, and for other purposes, approved September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(e)), to permit a child in the care and custody of the District who is enrolled in a District of Columbia Public Schools or public charter school and attending a non-public school or program pursuant to section 103 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.03), and who ceases to be in the District's care and custody as a result of being placed in the permanent care and custody of a parent, guardian, or custodian who resides outside the District, to be considered a resident of the District for the purpose of school attendance and to be exempted from the requirement to pay tuition for the remainder of the school year in which the change in care and custody occurs and through the end of the following school year.

I am available if you have any questions.

§ 38–302(e). Tuition required of nonresidents; deposit of payments.

* * *

(e) Notwithstanding the provisions of subsection (a) of this section, a child in the care and custody of the District pursuant to § 16-2320(a)(3) who, while attending a DCPS or public charter school, or while enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to § 38-2561.03, ceases to be in that care and custody 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 shall be considered a resident of the District of Columbia for the purpose of school attendance and shall be exempt from the requirement to pay tuition for the period of time until the child completes the educational program offered at the school the child currently attends~~;~~, if the child attends a DCPS or public charter school, or the remainder of the school year in which the change in care and custody occurs and through the end of the following school year, if the child is currently enrolled in a DCPS or public charter school and attending a non-public school or program pursuant to § 38-2561.03.

10
11 A BILL

12
13 24-135
14

15 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
16
17 _____
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19

20 To amend the District of Columbia Nonresident Tuition Act to allow District of Columbia
21 students enrolled at District of Columbia Public Schools or public charter schools who
22 attend non-public schools or programs to continue their education for the remainder of
23 the school year in which legal permanency is achieved and through the end of the
24 following school year, without payment of nonresident tuition, if the child ceases to be in
25 the care and custody of the District as a result of being placed in the permanent care and
26 custody of a parent, guardian, or custodian who resides outside the District of Columbia.
27

28 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
29 act may be cited as the “Non-Public Student Educational Continuity Amendment Act of 2022”.

30 Sec. 2. Section 2(e) of the District of Columbia Nonresident Tuition Act, approved
31 September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302(e)), is amended as follows:

32 (a) Strike the phrase “school, ceases” and insert the phrase “school, or while enrolled in a
33 DCPS or public charter school and attending a non-public school or program pursuant to section
34 103 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of
35 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38–2561.03)
36 (“Placement Act”), ceases” in its place.

37 (b) Strike the phrase “currently attends.” and insert the phrase “currently attends, if the
38 child attends a DCPS or public charter school, or the remainder of the school year in which the
39 change in care and custody occurs and through the end of the following school year, if the child
40 is currently enrolled in a DCPS or public charter school and attending a non-public school or
41 program pursuant to section 103 of the Placement Act.” in its place.

42 Sec. 3. Fiscal impact statement.

43 The Council adopts the fiscal impact statement in the committee report as the fiscal
44 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
45 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

46 Sec. 4. Effective date.

47 This act shall take effect following approval of the Mayor (or in the event of veto by the
48 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
49 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
50 24, 1973 (87 Stat. 813; D.C Official Code § 1-206.22(c)(1)), and publication in the District of
51 Columbia Register.