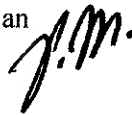


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: September 15, 2022

RE: **Request to Place Emergency Measures on the Agenda for the September 20, 2022 Legislative Meeting**

Please place the following measures on the agenda for the September 20, 2022 legislative meeting:

- **Non-Public Student Educational Continuity Emergency Declaration Resolution of 2022**
- **Non-Public Student Educational Continuity Emergency Amendment Act of 2022**

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 in 2021. On November 1, 2021, a third round of emergency (D.C. Act 24-236) and temporary (D.C. Law 24-79) legislation was moved 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. 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 adopted Bill 24-135 on first reading on July 12, 2022. Bill 24-135 will receive second reading on September 20, 2022.

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. The emergency avoids a gap in the law while awaiting the permanent bill becoming law.

The draft measures are attached. Please call me or Ms. Raleigh Lancaster if you have any questions at (202) 724-7130.

cc: All Councilmembers
Council Officers