

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: November 15, 2022

SUBJECT: Report on Bill 24-665, “Access to Advanced Placement Exams Amendment Act of 2022”

The Committee of the Whole, to which Bill 24-665, the “Access to Advanced Placement Exams Amendment Act of 2022” was referred, reports favorably thereon with technical amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On February 16, 2022, Bill 24-665, the “Access to Advanced Placement Exams Amendment Act of 2022” was introduced by Councilmember Cheh and Chairman Mendelson. This bill would require DCPS to allow students participating in a homeschool program to sit for an Advanced Placement exams at the school that the student could attend of-right or a reasonable alternate location, where the students’ of-right school will not be offering that particular AP exams.

The Advanced Placement (AP) Exam, administered by the College Board, enables willing and academically prepared students to pursue college-level studies while still in high school. The program consists of college-level courses developed by the AP Program that high schools can choose to offer, and corresponding exams that are administered once a year¹. Each year, the District of Columbia Public

¹ The College Board website: <https://apcentral.collegeboard.org/about-ap/ap-a-glance>

Schools (DCPS) offers at least eight AP courses at each of its comprehensive and application high schools, with at least one course in each of the four core subjects. If students take the AP exam and pass, the college/university they enroll in may grant them course credits. All students enrolled in DCPS schools that offer AP courses are eligible to take the courses.

Currently, students participating in a homeschool program in the District do not have a simple way to sit for Advanced Placement exams because homeschooled students are not enrolled in a DCPS school. However, this was not always the case. Until several years ago, the College Board – which administers the Advanced Placement exams – permitted DCPS Central Office to purchase AP exams in bulk without linking particular student names to the purchased exams. Under the previous policy, DCPS offered AP exams not utilized by DCPS enrollees to students participating in homeschool programs. College Board has since changed its policy, and now requires a student’s registration to be complete and submitted at the time of exam purchase—in effect, DCPS must link a student’s name to each exam. Where DCPS Central Office once had extra exams to offer to students participating in homeschool programs, they now do not. The effort required of DCPS to continue to offer AP exam access to students participating in homeschool programs changed significantly under College Board’s new policy. To continue to offer access to these students, DCPS would need to identify these students and ensure they were properly registered with the College Board, all in advance of their annual bulk exam purchase. Due to these factors, DCPS no longer offers access to AP exams at DCPS testing sites for students participating in homeschool programs.

DCPS’s new policy means that students participating in homeschool programs have no definite way to access AP exams. College Board does not allow families to register with them directly; students must register through a school and homeschool programs do not count. Without access to these exams at DCPS sites, students participating in homeschool programs’ have the option of testing on site at a private or charter school offering the exam, however, those sites are not required to accommodate students. Homeschooled families may struggle to find a school offering the particular subject exam because both private and charter schools serve far fewer students than DCPS and thus, not as many exams are offered. If families cannot find a school that is willing to accommodate their student and will offer the particular AP exam, then the student cannot take the exam.

Bill 24-665 will address this issue by requiring that DCPS allow students participating in a homeschool program to sit for an AP exam at the school that the student could attend by-right or a reasonable alternate location if the student’s by-right school will not offer that particular AP exam. Bill 24-665 specifies that DCPS and OSSE will provide notice to non-enrollee or homeschooled families with detailed information about test day logistics, and steps that families must take in order to register for the exam. Because DCPS individual schools do not manage the exam administration and cannot accept payment, homeschooled families will have to pay for the cost of the exam for the student by writing a check made payable to the DC Treasurer. Bill 24-665 requires OSSE and DCPS to make available on its website information on how non-enrollees may register for and pay for exams.

The Committee recommends Council adoption of the Committee print for Bill 24-665. This legislation will expand access to Advanced Placement exams for students in the District of Columbia.

II. LEGISLATIVE CHRONOLOGY

- February 16, 2022 Bill 24-665, the “Access to Advanced Placement Exams Amendment Act of 2022” is introduced by Councilmember Cheh and Chairman Mendelson in the Office of the Secretary.
- March 1, 2022 Bill 24-665 is referred to the Committee of the Whole.
- March 4, 2022 Notice of Intent to Act on Bill 24-665 is published in the *D.C. Register*.
- August 5, 2022 Notice of Public Hearing on Bill 24-665 is published in the *D.C. Register*.
- September 27, 2022 The Committee of the Whole holds a Public Hearing on Bill 24-665.
- November 15, 2022 The Committee of the Whole marks up Bill 24-665.

III. POSITION OF THE EXECUTIVE

Sarah Navarro, Senior Deputy Chief of Secondary Schools, District of Columbia Public Schools, testified on behalf of the Executive to Bill 24-665.

Dr. Antoinette Mitchell, Assistant Superintendent of Post-Secondary and Career Education, Office of the State Superintendent testified on behalf of the Executive to Bill 24-665.

Both testimonies are summarized in Section V below.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The committee received no comments from Advisory Neighborhood Commissions on Bill 24-665.

V. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on Bill 24-665 on September 27, 2022. The testimony summarized below is reflective of the testimonies received at the hearings. Written statements received by the Committee of the Whole are attached.

Sarah Navarro, Senior Deputy Chief of Secondary Schools, District of Columbia Public Schools, testified on behalf of the Executive to Bill 24-665, and provided several comments and recommendations for changes to the bill language. Overall, the Executive is supportive of allowing homeschooled students to have access to advanced placement exams and would prefer that DCPS not expend appropriated funds for non-enrolled DCPS students.

Dr. Antoinette Mitchell, Assistant Superintendent of Post-Secondary and Career Education, Office of the State Superintendent, testified on behalf of the Executive to Bill 24-665, and OSSE supports providing homeschool students increased access to AP exams. However, OSSE does not support requiring the public to pay for AP exams for homeschool students.

Helen Dooley, Public Witness, testified in support of Bill 24-665. Ms. Dooley is the parent of a homeschooled student and noted that in her experience, it has been challenging to find public or private school locations where her students' can register and take AP exams.

Jessica Giles, State Director, Education Reform Now testified on Bill 24-665 and urged the Council to improve transparency in AP date, strengthen the AP passage rate and access to and quality of AP courses because it is an important college readiness tool.

VI. IMPACT ON EXISTING LAW

Bill 24-665 will have no impact on existing law.

VII. FISCAL IMPACT

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement Bill 24-665.

VIII. RACIAL EQUITY IMPACT ASSESSMENT

The November 14, 2022 Racial Equity Impact Assessment (REIA) from the Council Office of Racial Equity concluded that Bill 24-665 will likely increase access to educational opportunities for Black, Indigenous and other homeschooled students of color in the District. Black families in the District are increasingly choosing homeschooling as an alternative educational option for their children.²⁶ By codifying the rights of homeschool students to sit for an AP exam at their local school or alternative location, the bill removes barriers to educational excellence and achievement for a growing population of Black students who stand to benefit from the opportunity to take and pass these exams. Additionally, by creating a mechanism for the District to accept payment from homeschooled families, more families will be able to navigate the AP registration process with fewer obstacles.

IX. SECTION-BY-SECTION ANALYSIS

Section 1

States the short title of Bill 24-665.

Section 2

Directs DCPS to permit non-enrolled DPCS students who are homeschooled to sit for AP exams at the student's right to attend DCPS school.

Requires OSSE to certify that a non-enrollee student is eligible to sit for the AP exam and DCPS may offer a reasonable alternation location for a non-enrollee to take an exam where the non-enrollee's right to attend school will not offer a particular exam.

Requires DCPS and OSSE to make information public on how a non-enrollee may register for exams, test day logistics, and a method for homeschooled families to contact DCPS with questions about testing. Homeschooled

families will remit payment for test fees to the Office of the D.C. Treasurer.

Section 3

Fiscal Impact Statement

Section 4

Establishes the effective date by stating the standard 30-day Congressional review language.

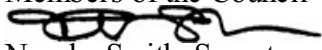
IX. COMMITTEE ACTION

X. ATTACHMENTS

1. Bill 24-665 as introduced
2. Written Testimony and Letters
3. Racial Equity Impact Assessment
4. Fiscal Impact Statement for Bill 24-665
5. Legal Sufficiency Determination for Bill 24-665
6. Committee Print for Bill 24-665

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : Nyasha Smith, Secretary to the Council
Date : Thursday, February 24, 2022
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Wednesday, February 16, 2022. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Access to Advanced Placement Exams Amendment Act of 2022", B24-0665

INTRODUCED BY: Councilmember Cheh and Chairman Mendelson

The Chairman is referring this legislation to Committee of the Whole.

Attachment
cc: General Counsel
Budget Director
Legislative Services



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

February 16, 2022

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, we are introducing the “Access to Advanced Placement Exams Amendment Act of 2022.” Please find enclosed a signed copy of the legislation.

Currently, students participating in a homeschool program have no simple way to take Advanced Placement exams; this, however, was not always the case. Until several years ago, the College Board—which administers AP exams, as well as the SAT and SAT II—permitted DCPS Central Office to purchase AP exams in bulk without linking particular student names to the purchased exams. Under that policy, DCPS offered AP exams not utilized by DCPS enrollees to students participating in homeschool programs.

College Board has since changed its policy, and now requires a student’s registration to be complete and submitted at the time of exam purchase—in effect, DCPS must link a student’s name to each exam. Where DCPS Central Office once had extra exams to offer to students participating in homeschool programs, they now do not. And, the effort required of DCPS to continue to offer AP exam access to students participating in homeschool programs changed significantly under College Board’s new policy: to continue to offer access to these students, DCPS would need to identify these students and ensure they were properly registered with the College Board—all in advance of their annual bulk exam purchase. Due to these factors, DCPS no longer offers access to AP exams at DCPS testing sites for students participating in homeschool programs.

Unfortunately, DCPS’s new policy means that students participating in homeschool programs have no definite way to access AP exams. College Board does not allow families to register with them directly; students must register through a school and homeschool programs do not count. Without access to these exams at DCPS sites, students participating in homeschool programs’ only other option is



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testing on site at a private or charter school. Neither, however, are required to accommodate these students, and, as both private and charter schools serve far fewer students than DCPS, families may struggle to find a school offering the particular subject exam the student wants to take (of note, College Board currently offers AP exams in thirty eight subjects). Families have reported spending weeks desperately trying to find a school that is both willing to accommodate their student and will be offering the particular AP exams the student wants to take. In some instances, these families are unable find a school to accommodate them, and, as a result, the student cannot take the exam.

This legislation would address this issue by requiring that DCPS allow students participating in a homeschool program to sit for an AP exams at the school that the student could attend of-right or a reasonable alternate location, where the student's of-right school will not be offering that particular AP exams. The legislation also prescribes the notice and information DCPS must provide to a non-enrollee on the date, time, and location of the exam, day of logistics, and other pertinent information. To address the issues that caused DCPS to stop offering access to these exams several years ago, the legislation requires OSSE to confirm for DCPS that the student is in fact participating in a homeschool program, has received a request to register for an AP exams, and meets all other eligibility requirements.

Should you have any questions about this legislation, please contact Michael Porcello, at mporcello@dccouncil.us or (202) 724-8062.

Thank you.

Best,

Handwritten signature of Mary M. Cheh in black ink.

Councilmember Mary M. Cheh

Handwritten signature of Phil Mendelson in black ink.

Chairman Phil Mendelson

1 
2 Chairman Phil Mendelson


Councilmember Mary. M Cheh

3
4
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8 A BILL
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10 _____
11
12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14 _____
15

16 To require that District of Columbia Public Schools permit non-enrollees to sit for Advanced
17 Placement exams at the non-enrollee’s right-to-attend school or a reasonable alternate
18 location; to require that OSSE certify non-enrollees as eligible to sit for an exam; to
19 prescribe the timing and content of notice to be provided to non-enrollees on the timing
20 and location of an exam; to prohibit non-enrollees from being charged costs related to
21 administration or provision of the exam; and, to require that DCPS and OSSE include
22 information on non-enrollee’s access to Advance Placement exams on their websites.
23

24 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
25 act may be cited as the “Access to Advanced Placement Exams Amendment Act of 2022”.

26 Sec. 2. (a)(1) Within 180 days after the effective date of this Act, the District of
27 Columbia Schools (“DCPS”) shall permit non-enrollees to sit for an Advanced Placement exam
28 (“exam”) at the student’s right-to-attend school; provided, that the Office of the State
29 Superintendent of Education (“OSSE”) has certified to DCPS that the non-enrollee is eligible to
30 sit for the exam.

31 (2) OSSE shall certify a non-enrollee as eligible to sit for an exam where:

32 (A) OSSE has received timely notification that the non-enrollee is
33 participating in a homeschooling program for the school year in which the exam is to be
34 administered;

35 (B) The parent or guardian of a non-enrollee or the enrollee
36 themselves, has notified OSSE of the student's intent to take the exam at a DCPS school and
37 requested to register for the exam; and

38 (C) The non-enrollee or the non-enrollee's parent or guardian has
39 provided OSSE with the information requested by OSSE to determine whether the non-enrollee
40 is eligible for a reduced fee exam.

41 (b) DCPS may offer a reasonable alternate location for a non-enrollee to take an exam
42 where the non-enrollee's right-to-attend school will not offer a particular exam during the
43 relevant school year or term.

44 (c) Where OSSE has certified to DCPS that a non-enrollee is eligible to sit for an exam
45 pursuant to subsection (a)(2), DCPS shall provide notice to the non-enrollee at least 30 days in
46 advance of the date of administration of the exam that includes:

47 (1) The date, time, and location that the non-enrollee will take the exam; and

48 (2) Information on testing logistics, including an e-mail address and phone
49 number that non-enrollees may use to contact DCPS about the exam, and a link to information
50 on the DCPS website on AP testing for non-enrollees.

51 (d)(1) A non-enrollee shall not be charged for an AP exam administered pursuant to this
52 act, including charges for exam fees, processing fees, or costs incurred by OSSE, DCPS, or an
53 individual school to administer an exam.

54 (e) Within 30 days after the effective date of this act:

55 (1) DCPS shall make available on its website information on how a non-enrollee
56 may register for exams with OSSE, test day logistics, and any other relevant information,

57 including a method for non-enrollees and their parents or guardians to contact DCPS with
58 questions about testing under this act; and

59 (2) OSSE shall make available on its website information on how a non-enrollee
60 may register for exams, a link to information on the DCPS website on AP testing for non-
61 enrollees, and any other relevant information, including a method for non-enrollees and their
62 parents or guardians to contact OSSE with questions about testing under this act.

63 (f) For the purposes of this act, the term:

64 (1) “Non-enrollee” shall mean a child eligible to enroll at a DCPS school for
65 whom OSSE has received timely notice that the student will participate in a homeschooling
66 program for the school year in which the exam is to be administered.

67 (2) “Right-to-attend school” shall mean the DCPS school that a school-age child
68 student may attend of right, based on the child’s place of residence being located in the
69 catchment area for that school.

70 Sec. 3. Fiscal impact statement.

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

74 Sec. 4. Effective date.

75 This act shall take effect following approval by the Mayor (or in the event of veto by the
76 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
77 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
78 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
79 Columbia Register.

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

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 24-232, “Student and Minor Access to Records and Transcripts (SMART) Act of 2021”

Bill 24-665, “Access to Advanced Placement Exams Amendment Act of 2022”

on

Tuesday, September 27, 2022 at 11:00 a.m.

Chairman’s Website (www.ChairmanMendelson.com/live)
DC Council Website (www.dccouncil.us)
Council Channel 13 (Cable Television Providers)
Office of Cable Television Website (entertainment.dc.gov)

Council Chairman Phil Mendelson announces a public hearing by the Committee of the Whole on Bill 24-232, “*Student and Minor Access to Records and Transcripts (SMART) Act of 2021*” and Bill 24-665, “*Access to Advanced Placement Exams Amendment Act of 2022*”. The hearing will be held on **Tuesday, September 27, 2022 at 11:00 a.m.** via Zoom video conference.

The purpose of Bill 24-232, the “*Student and Minor Access to Records and Transcripts (SMART) Act of 2021*” is to help youth plan for life after high school and ensure that they have ready access to documentation from District public schools needed to apply for jobs or post-secondary education programs. Currently, District of Columbia Public Schools and Public Charter Schools require parental consent for students under age 18 to receive their transcript or for it to be sent to another school, college, or university. This can be challenging or an outright barrier for students who may be homeless, in foster care, or otherwise enduring strained relations with legal guardians who are unwilling to assist with the minor’s career or education progress.

The purpose of Bill 24-665, the “*Access to Advanced Placement Exams Amendment Act of 2022*” is to provide access to Advanced Placement (AP) exams at District of Columbia Public Schools (DCPS) testing sites for students participating in homeschool programs. Currently, students participating in a homeschool program have no simple way to take AP exams. This legislation would address barriers by requiring that DCPS allow home-schooled students to sit for AP exams at the DCPS school that the student could attend of-right or a reasonable alternate location when the student’s of-right school is not offering that particular AP exam.

Those who wish to testify must register at <http://www.ChairmanMendelson.com/testify> by the close of business on Friday, September 23, 2022. **Testimony is limited to four minutes**; less time will be allowed if there are a large number of witnesses. Witnesses who anticipate needing spoken language interpretation, or require sign language interpretation, are requested to inform the Committee office of the need as soon as possible but no later than five business days before the proceeding. We will make

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**



**Public Hearing on
B24-0665, the “Access to Advanced Placement Exams Amendment Act of
2022”**

**Testimony of
Antoinette Mitchell, Ph.D.
Assistant Superintendent of Postsecondary and Career Education
Office of the State Superintendent of Education**

Before the
Committee of the Whole
Council of the District of Columbia
The Honorable Phil Mendelson, Chairman

September 27, 2022
11:00 AM
Virtual
Via the Zoom Platform

Good morning, Chairman Mendelson and members of the Committee of the Whole. My name is Antoinette Mitchell, and I am the Assistant Superintendent of Postsecondary and Career Education in the Office of the State Superintendent of Education (OSSE). I am also a native Washingtonian and a proud graduate of DCPS. On behalf of Mayor Bowser, I am pleased to join you today to discuss Bill 24-665, the “Access to Advanced Placement Exams Amendment Act of 2022”.

Background Info

Before diving into the bill’s specifics, I would like to provide the Council with some background information on Advanced Placement, or “AP”, exams and how the examination process works from an administrative perspective.

Advanced Placement is one of three generally recognized opportunities for students to tackle college-level work while still in high school, along with dual enrollment and International Baccalaureate, or “IB”, classes. For AP opportunities, students take college-level course work in a class at their high school as part of their daily schedule. Students earn high school credit for AP classes, and their grades in these courses are calculated in their grade point average. In addition, students may take a corresponding AP exam at the conclusion of the course to earn college credit. The 2023 AP exams will be administered in schools over two weeks in early May. Each exam is conducted at the same time nationwide.

While administered in high school settings, these exams are created and scored by a private, nonprofit organization, the College Board. Scores range from 1 to 5, and colleges and universities set their own parameters for what, if any, scores they will accept as passing for the purposes of granting college credit. College Board currently offers 38 different AP subjects, and there were 45 schools in DC, both public and private, with AP courses available in the 2021-22 school year.

Currently, the College Board outlines a process for homeschool students to participate in the AP exam process. Homeschool students are instructed to use the College Board Course Ledger to identify a nearby school (regardless of jurisdiction) that offers the selected subject and exam, contact that school, and ask the AP coordinator whether they are willing to arrange testing for the homeschool student. College Board recommends students do this as early in the school year as possible, as each LEA or private school may establish their own policies and deadlines regarding testing outside students. College Board’s rules permit, but do not require, schools to charge homeschool students higher fees because there is a larger administrative burden to register such students.

Standard fees vary by year and exam, but standard exams will cost \$97 this school year. Late registration costs an additional \$40, and canceling an exam also costs \$40. College Board offers a \$35 fee reduction for low-income students. Eligibility for the fee reduction is based upon College Board’s low-income criteria, which differ depending on whether the school participates in the

Community Eligibility Provision, a program that enables high-poverty U.S. schools and districts to offer breakfast and lunch at no charge to all students.

In DC, OSSE pays exams fees for low-income students, and LEAs pay exam fees for students ineligible for the fee reduction. It is the school's responsibility to identify whether a student is low-income based upon College Board's definition when they register the student for the exam.

Access to Advanced Placement Exams Amendment Act of 2022

Now that I have outlined College Board's AP exam registration process, I would like to turn to the specific requirements established in Bill 24-665.

As introduced, Bill 24-665 obligates DCPS to enroll homeschool students in an exam-only section at the student's by-right campus for every exam the student wants to take. It also requires DCPS to create a webpage with information for homeschool students on registering for and taking AP exams, notify the student of the date and time of the exam, and provide the email and phone number for the AP Coordinator.

The bill also requires OSSE to confirm whether the student is participating in a homeschool program, to receive AP registration requests, and to verify income eligibility for fee reductions. Currently, income eligibility determinations for all test-takers are completed at the school level.

Finally, the bill requires DCPS and OSSE to pay for all AP exam fees for homeschool students.

OSSE's Position

OSSE supports providing homeschooled students increased access to AP exams. AP exam scores are one option homeschool students may use to demonstrate course completion for the purposes of applying to and accessing higher education, and we wish to encourage all DC residents to pursue the postsecondary pathway of their choice. However, OSSE does not support requiring the public to pay AP exam fees for homeschool students.

OSSE's limited role, as the state education agency, is to fund AP exam fees for low-income students enrolled in public and public charter schools, offer support and clear guidance on the obligations LEAs and schools have regarding families that choose to homeschool their children, and identify the rights of families that choose to homeschool their children. AP course registration, AP student enrollment, AP course instruction, AP test registration, and AP exam administration are the responsibilities of schools, not OSSE.

While there are many benefits to enrolling in public schools—including access to healthy meals and special education services—OSSE recognizes that some DC parents choose to homeschool their children in order to meet the compulsory education requirements set forth in local law, and it

is their right to do so. However, in doing so, parents of homeschool students are then responsible for absorbing necessary education costs, from books and curriculum to AP exam fees.

If passed, this bill would allow parents that homeschool their children to access the benefits of the public education system that they find advantageous, in this case covering the cost of AP exams. Most troubling, it passes both financial and administrative costs onto OSSE and DCPS. If Council moves forward with exempting homeschooled families' exam fees despite our testimony, then dedicated funds should be allocated to pay for all District students' AP exam fees.

Further, this bill also creates equity concerns. As written, the legislation requires a public school in DCPS to administer the AP exam at what would be the homeschooled student's by-right school should they attend it. It does not create any flexibility for instances when that by-right school does not offer that AP course or exam. AP courses are offered based on student interest and available staff, and no school in the District offers all 38 exams. For example, if a homeschool student living within Roosevelt High School's boundary wants to take the Japanese Language and Culture AP exam, this legislation mandates DCPS offer the exam to this student despite it not being offered to Roosevelt students.

OSSE supports providing opportunities for homeschool students to take regularly offered AP exams but does not support obligating DCPS by-right schools to offer every single AP exam to homeschool students.

In addition, while OSSE can certify homeschool students and verify requests for AP exams, it does not make sense for OSSE to determine the income status of homeschooled students. When a student is enrolled, a public school receives information on the income status of the child. We collect this information for many purposes, for example, the school lunch program or for the purposes of implementing the uniform per student funding formula (UPSFF). Yet, this information is not provided for homeschooled families because it is not information that OSSE or a public school would use for any purpose. Adding such a requirement for the purposes of this bill is not advisable. Setting up an income collection and verification system for such a small group of students would be an oversized administrative lift.

Conclusion

In summary, we support providing homeschool students opportunities to take AP exams already offered at the school. However, OSSE should not be responsible for covering the costs of the exam nor for determining whether the student qualifies as low-income according to College Board's definition.

Thank you for inviting me to speak on this issue today. I welcome the opportunity to answer any questions you have.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
District of Columbia Public Schools (DCPS)**



Public Hearing on

**Bill 24-0232, the “Student and Minor Access to Records and Transcripts Act
(SMART) Act of 2021”**

and

**Bill 24-0665, the “Access to Advanced Placement Exams Amendment Act of
2022”**

**Testimony of
Sarah Navarro
Senior Deputy Chief, Secondary Schools**

Before the
Committee of the Whole
Council of the District of Columbia
The Honorable Phil Mendelson, Chairman

September 27, 2022
11:00 AM
Via Zoom teleconference



Good morning, Chairman Mendelson, members of the Council, and staff. I am Sarah Navarro, Senior Deputy Chief of Secondary Schools for DC Public Schools (DCPS). On behalf of Mayor Bowser, I am honored to testify before you today on Bills 24-232, the “Student and Minor Access to Records and Transcripts (SMART) Act of 2021” and 24-665, the Access to Advanced Placement Exams Amendment Act of 2022”.

As you know, DCPS is committed to the support of all students and ensuring their safety and success as they grow academically and as individuals to become successful members of their communities.

Student and Minor Access to Records and Transcripts Act (SMART)

I will first address Bill 24-232, the student and minor access to educational records legislation. As introduced, this bill would permit minors 16 years of age or older, without the consent of a parent or guardian, to access their education records.

DCPS believes that students should have consistent access to their information. Currently, students can see their schedules, grades, and attendance in ASPEN, a student information database, at any time. They also have a yearly “letter of understanding” (LOU) conversation with school counselors where they review their transcript. In addition, every student receives a Guide to Graduation College and Career annually that also includes the student’s transcripts. It is not DCPS’ practice to withhold student records from 16- and 17-year-olds who request them, nor does DCPS *require* parental consent for students under age 18 to receive a transcript or to send it to another school as stated in this bill’s introductory statement.

The federal Family Educational Rights and Privacy Act (FERPA) requires an educational agency or institution to provide a parent with an opportunity to inspect, review, and request amendments to their child’s education records; and transfers that right to students 18 years or age, it also prohibits agencies and institutions from sharing those records with other parties without parental consent with exception. Section 34 CFR 99.31(a) of FERPA lists the exceptions for when you need parental (or adult student) consent to share records. Subsection (a)(2) allows educational agencies or institutions to disclose records to postsecondary institutions without parental consent, and Subsection (a)(12) allows sharing with students themselves. This is DCPS’ practice. We provide transcripts to students under the age of 18 and to post-secondary schools without requiring parental consent. While this bill makes *mandatory* what is already *permitted*, a new bill is not necessary to achieve the goal of providing transcripts and records to students as this is already practice.

While we support student access to records, we are concerned that the 15-day requirement is an unreasonably short amount of time in which to comply with requests. Providing educational records is not simply a matter of downloading and attaching the document or copying and pasting into a message. Records must be reviewed and checked for accuracy, redacted (especially in the case of records where other student identifying information is included), compiled from various sources prior to production, etc., and must be completed by staff who have other assigned duties. In light of this, the federal government allows 45 days for records production under FERPA. This window of time considers the staffing capacity as well as processing time to retrieve and provide student transcripts and records. Severely cutting that time down to 15 days unnecessarily opens up the District to adverse consequences and increased liabilities and would also require additional staffing.

Further, regarding Section 2(b)(2) of the bill regarding gender markers and gender identity, DCPS is very supportive of our transgender and gender non-confirming students and has had guidance in effect instructing schools on how to support students in this area since 2015. Under this guidance schools are instructed to use a student’s preferred name and pronouns and note a student’s preferences in ASPEN to



ensure that the school community continues to support a student as they progress in their education from grade to grade and class to class.

Students' official name and gender are designations made on official government issued documentation such as a birth certificate or official school records. Officially changing name and gender on government documentation, such as official school records that are issued here, requires supporting government issued documentation to ensure accuracy, consistency, and limit liability. The U.S. Department of Education guidance provides that name and gender changes be made pursuant to government issued documentation such as court order. DCPS currently changes student names and gender on official records pursuant to a court order, officially making those changes, and DCPS has found this process to be extremely efficient. DCPS regularly receives court orders from students who obtained a legal name or gender change, and their records are updated accordingly. The current process works well and presents a balance that allows students to be recognized and supported in schools by the of their preferred names and gender, while limiting errors and liabilities, and maintaining alignment with federal guidance.

Finally, it is DCPS' goal to prepare all our students for college and career. As such we support our students in pursuing their goals after they leave us. We would never want to prevent a student from obtaining their transcripts. If Council hears from any students experiencing an issue obtaining transcripts without parental consent, please direct them to us immediately for assistance.

Access to Advanced Placement Exams Amendment Act of 2022

Next, I will discuss Bill 24-665, the advanced placement (AP) exams legislation. While DCPS defers to OSSE to provide primary testimony, we wanted to provide a few comments for consideration.

First, the AP exam is owned and administered by an organization called the College Board. The College Board sets all the rules, requirements, timeline, costs, fees, and other items associated with the administration of the AP exam. As per the College Board, all students taking an AP exam must register through a school and go to that school for the exam administration. There is no option for students to register directly with College Board or complete exams at home. Homeschooled students can register at any school (public, charter, private, or other) that is offering AP exams and is able to accommodate them.

We believe an insertion of the phrase "or another appropriate site as determined by DCPS" in Sec 2 (a)(1) before the semicolon on page one line 28 would be needed if this bill is passed. The phrase would then read as follows:

(a)(1) Within 180 days after the effective date of this Act, the District of Columbia Schools ("DCPS") shall permit non-enrollees to sit for an Advanced Placement exam ("exam") at the student's right-to-attend school or another appropriate site as determined by DCPS; provided that the Office of the State Superintendent of Education ("OSSE") has certified to DCPS that the non-enrollee is eligible to sit for the exam.

This change is in alignment with, and further supports, lines 41-43 of the bill regarding reasonable alternate locations for testing. As it concerns costs: lines 51 –53 read as follows, the College Board establishes fees for the AP exam; DCPS does not. The inclusion of exam cost provisions unnecessarily complicates this bill by creating budgetary and appropriations authority issues. DCPS neither budgets for, nor is authorized to, expend appropriated funds on non-enrolled DCPS students. Cost is undeterminable given the number of students that may choose to take AP exams, and exam rates and fees that may change at any time given they are set by the testing company. Exam cost is not an issue that we have heard about from inquiring families, and we believe the fee waiver process would sufficiently support families who need assistance.



Thank you for the opportunity to testify before you today on these two bills. This concludes my remarks, and I would be happy to answer any questions you may have.





September 27, 2022

The Committee of the Whole public hearing on:

B24-0665 - Access to Advanced Placement Exams Amendment Act of 2022

Jessica Giles
State Director
Education Reform Now DC

Good morning, Chairman Mendelson and members and staff of the Committee of the Whole. My name is Jessica Giles. I am a ward seven resident and State Director of Education Reform Now DC ("ERN DC"). ERN DC is a non-profit organization that fights for a just and equitable public education system for all students in the District of Columbia.

I will be testifying today on Bill 24-0665 - "Access to Advanced Placement Exams Amendment Act of 2022," and my colleague Kyle Myers will be testifying on Bill 24-232, "Student and Minor Access to Records and Transcripts (SMART) Act of 2021." Overall, we support the intent of Bill 24-0665, which is to provide homeschooled students with a public school location to take the AP exam. However, my testimony will focus on ways to increase transparency in AP data and improve AP exam passage rate.¹

¹ You will find attached to my testimony some findings from Education Reform Now National.



Why are AP courses necessary?

AP courses offer many benefits to students. Regardless of the score students receive on the AP exam, completing an AP course and exam confers many benefits to students:

- The opportunity to take college-level coursework in high school help sharpen skills needed to transition from high school to college.
- Students who take AP courses and exams have better college outcomes than their peers. AP courses helps students attract colleges and universities.
- Students who complete an AP exam, typically with at least a score of three, can earn college credit, which can save students time and money in the future.²

Therefore, it is incumbent upon the District to continue to improve transparency in AP data, strengthen AP passage rate, the access and quality of AP courses because it is an important college readiness tool.

INCREASE TRANSPARENCY IN AP DATA

(1.) Not all DCPS and public charter high schools offer AP courses. There are 42 public high schools but only 36 public high schools in DC offered AP courses in 2019 and 2020 according to the College Board data.³⁴⁵ The DC

² September 29, 2021. College Board. “3 Reasons to Take AP Exams.” Source: <https://blog.collegeboard.org/3-reasons-take-ap-exams#:~:text=All%20AP%20Exams%20Have%20Benefits&text=Whatever%20your%20score%2C%20taking%20an.better%20in%20introductory%20college%20classes>.

³ According to the DC School Report Card the following schools do not have AP data: Ballou Stay, Bard, DC International, Girls Global, Goodwill Excel, Idea, Kingsman, Luke C Moore, Maya, River Terrace, St Coletta.

⁴ School year 2020-2021 DCPS AP courses and exam scores Source: <https://dcps.dc.gov/publication/ap-score-data-sets>

⁵ School year 2020-2021 Total AP/IB and SAT Metric Scores Source: <https://osse.dc.gov/page/data-and-reports-0>



School Report card reveals a much higher number of schools not offering AP courses.

(2) It is difficult to determine which AP courses are taught at schools. This information isn't found on the DCPS data set. It's not on the DC School Report Card. And it is may not be found on the individual school's website. This makes it difficult for students and families to make the choice to take AP courses, and for the District to determine where there are gaps in subject area offerings.

(3.) Check how DC schools determine eligibility for AP courses. It is my understanding that the District does not automatically enroll students into AP courses once they've demonstrated proficiency in a subject.⁶ The District should strongly consider implementing this policy.

Automatic enrollment is a strong equity strategy that is proven to increase the number of students of color taking advanced coursework because it removes requirements, such as the need for a teacher recommendation or additional testing that often act as barriers to advanced learning. How it works: students who are in ninth grade or higher are automatically enrolled into an advanced course in a subject related to one in which the student demonstrated proficiency on the prior year's statewide assessment or on another measure that demonstrates the student's ability to succeed in the advanced course. Parents would be able to decide to remove their children from automatically enrolled classes and exempt their children from any automatic enrollment. Colorado, Nevada, North Carolina, Washington, and Illinois have made great strides on this issue.⁷

⁶ DCPS is piloting an automatic enroll program at a few schools.

⁷ EdAllies. "Make Rigorous Education the Default through Automatic Enrollment." Source: <https://edalliesmn.org/blog/make-rigorous-education-the-default-through-automatic-enrollment/>



IMPROVE AP CREDIT TRANSFER RATE

In 2018, DC's average AP scores was 2.78, which places us 36th in the nation.⁸

(1.) In 2018, DC was number 1 in the nation for average AP score for white students and number 46 in the nation for average AP score for Black students.⁹ This exposes very troubling opportunity gaps in our education system.

(2) DC does not have a policy mandating that students are awarded credit for minimum scores on AP courses. Any student who scores 3 or higher on the AP exam should receive credit for that course. According to the College Board, a "3" is the equivalent of a C or C+ in a college-level course. Only two higher education institutions in the District accept 3's on the AP exam. All colleges and universities in the District of Columbia should change their policy to give students credit for making at least a three on the exam. The District can do something about this:

- 1.) 36 states have already passed laws like this, including Virginia. By not implementing this policy, the District incentivizes our students to go out of state to receive credit.
- 2.) Most students who attend school in the District of Columbia enroll in UDC or Trinity Washington University. While UDC may accept threes, there is no clear information about their policy on their website, and Trinity University accepts mostly 4's and 5's on the exam. Both UDC and Trinity should share data with the DC Council on how many students take AP exams each year and how many students receive credit.¹⁰

⁸ November 1, 2018. "2018 AP Scores by State and Ethnicity." Source: <https://www.highereddatastories.com/2018/11/2018-ap-scores-by-state-and-ethnicity.html>

⁹ November 1, 2018. "2018 AP Scores by State and Ethnicity." Source: <https://www.highereddatastories.com/2018/11/2018-ap-scores-by-state-and-ethnicity.html>

¹⁰ American University - mostly 4 or 5
Catholic University - mostly 4's



3.) Many Hispanic, Black, and Asian students in the District of Columbia do not score 4 or 5 on the exam.

The DC Council must urge DC higher education institutions to accept threes on the AP exam to open up opportunities for our students to receive credit in these courses.

STRENGTHEN TEACHER PREPARATION

About half of the educators teaching AP courses in DCPS did not major in the subject they were teaching.¹¹ I strongly urge the Committee of the Whole to follow up on this issue to understand how DCPS is tackling this issue.

In closing, I encourage the Committee of the Whole to strengthen college and career readiness in the District of Columbia by increasing transparency in AP score data and improving the AP credit transfer rate. Thank you for allowing me to testify today. I am available to answer any questions you may have.

Gallaudet University - all 3's

Georgetown University - 4 or 5

George Washington - 4 or 5

Howard University - (mostly) 4 or 5

Trinity Washington University - 4 or 5

University of the District of Columbia may accept 3s but does not have information on their website

¹¹ See the memo attached to learn more.

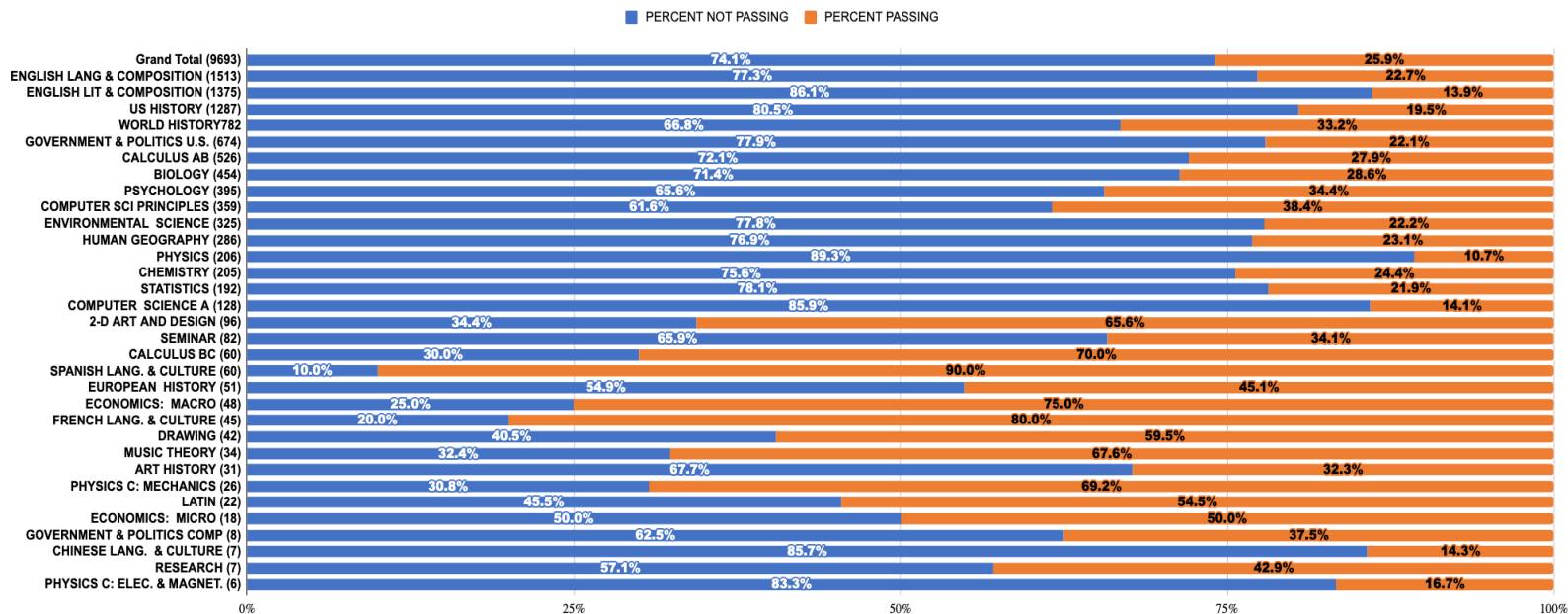


From: James Murphy, Senior Policy Analyst, Education Reform Now
To: DC Council’s Committee of the Whole
Date: September 27, 2022
Subject: Advanced Placement (AP) in DC

- 36 public high schools in DC offered AP courses 2019 and 2020, according to [College Board data](#).
- How many AP tests were taken by Black students in DC schools (public and private) between 2018 and 2020 and what percent passed, from College Board data.

How Many Black Students in DC Received a Passing AP Score?

AP data from 2018-2020. Includes public and private HS students. Number in parentheses indicates total number of students who took exam from 2018-2020.

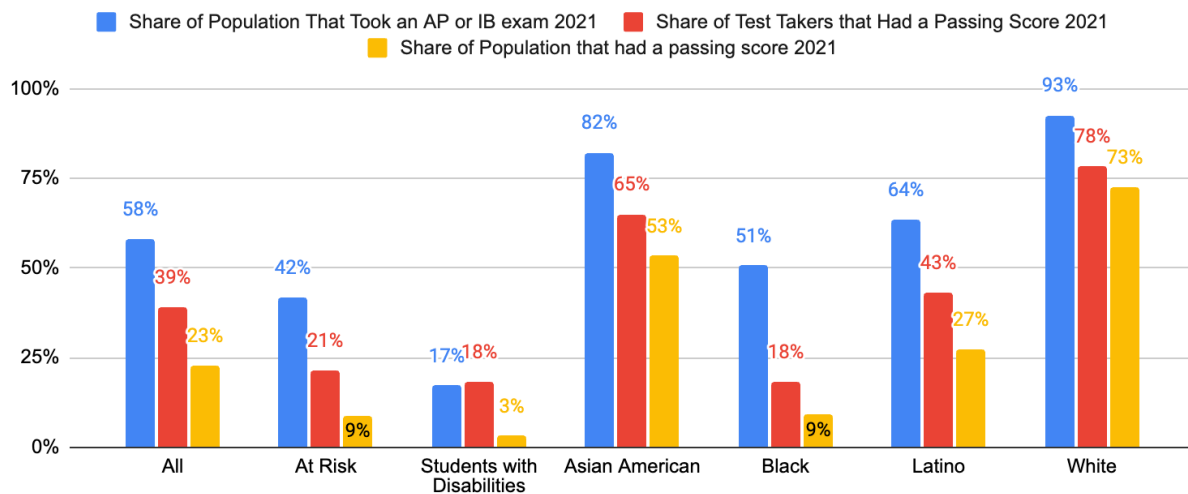




3. AP Performance and Participation in DC Public Schools, taken from DC School Report Card Data. It is important to note that the participation rate is a share of all students, while the performance rate is a share of all test-takers who got a 3 or higher on the AP or a 4 or higher on the IB. I calculate the share of the total population with a passing score by multiplying the participation share by the performance share.

AP and IB Participation in DC Public Schools 2021

Source: DC School Report Card



In case comparative (pre-COVID) data is useful.

Group	Share of Population That Took an AP or IB exam 2018	Share of Population That Took an AP or IB exam 2021	Share of Test Takers that Had a Passing Score 2018	Share of Test Takers that Had a Passing Score 2021	Share of Population that Had a Passing Score 2018	Share of Population that had a passing score 2021
All	62%	58%	39%	39%	24%	23%
At Risk	47%	42%	22%	21%	10%	9%

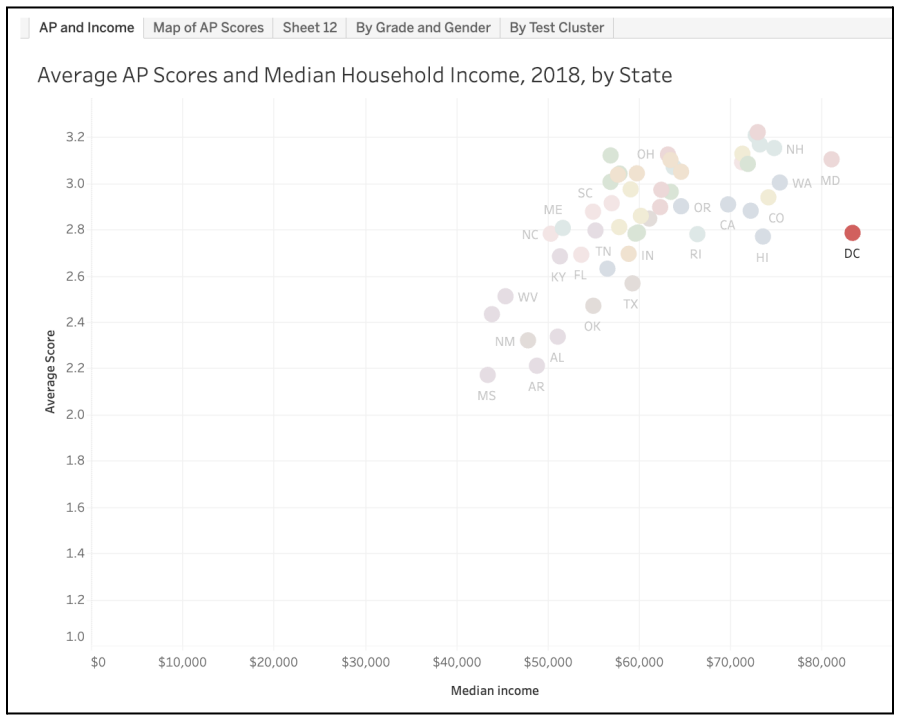


Students with Disabilities	23%	17%	15%	18%	3%	3%
Asian American	91%	82%	55%	65%	50%	53%
Black	54%	51%	20%	18%	11%	9%
Latino	73%	64%	41%	43%	30%	27%
White	96%	93%	84%	78%	81%	73%

4. [Average AP scores](#) by state and median income (2018) and by race/ethnicity. DC is not doing well. These charts include public and private high school students; they can't be disaggregated. I would ignore the income data. It's not disaggregated by race/ethnicity.

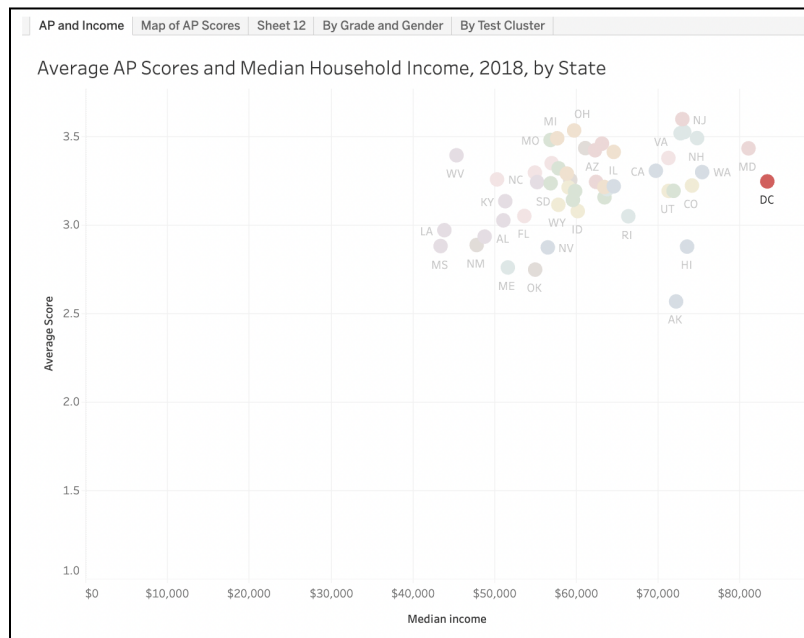


ALL Students



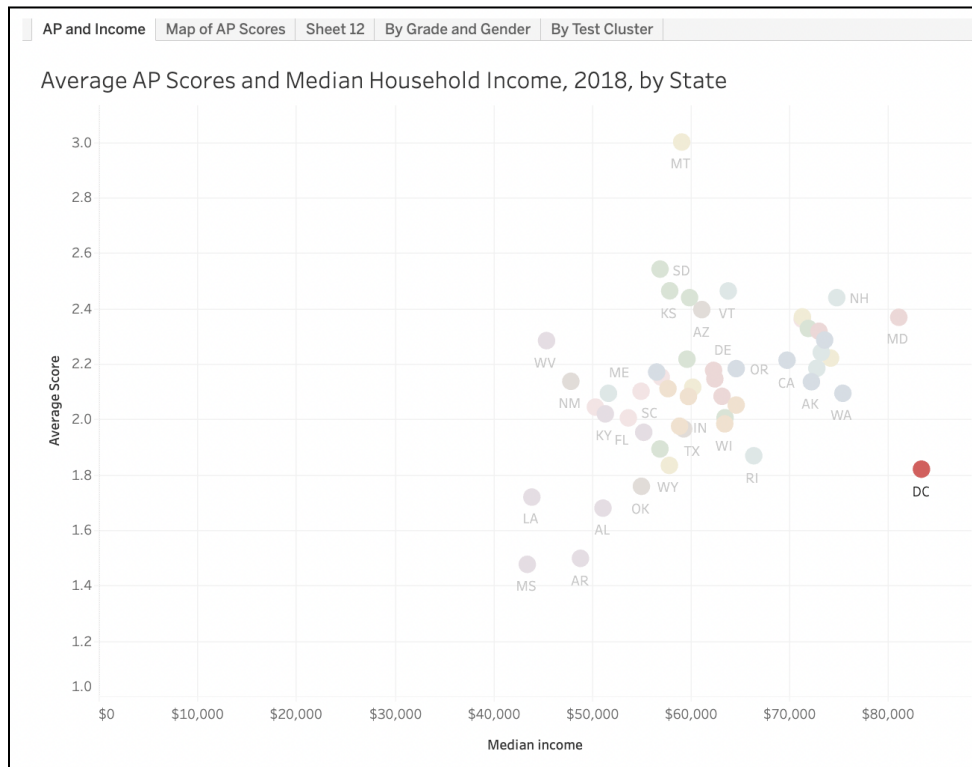


Asian American



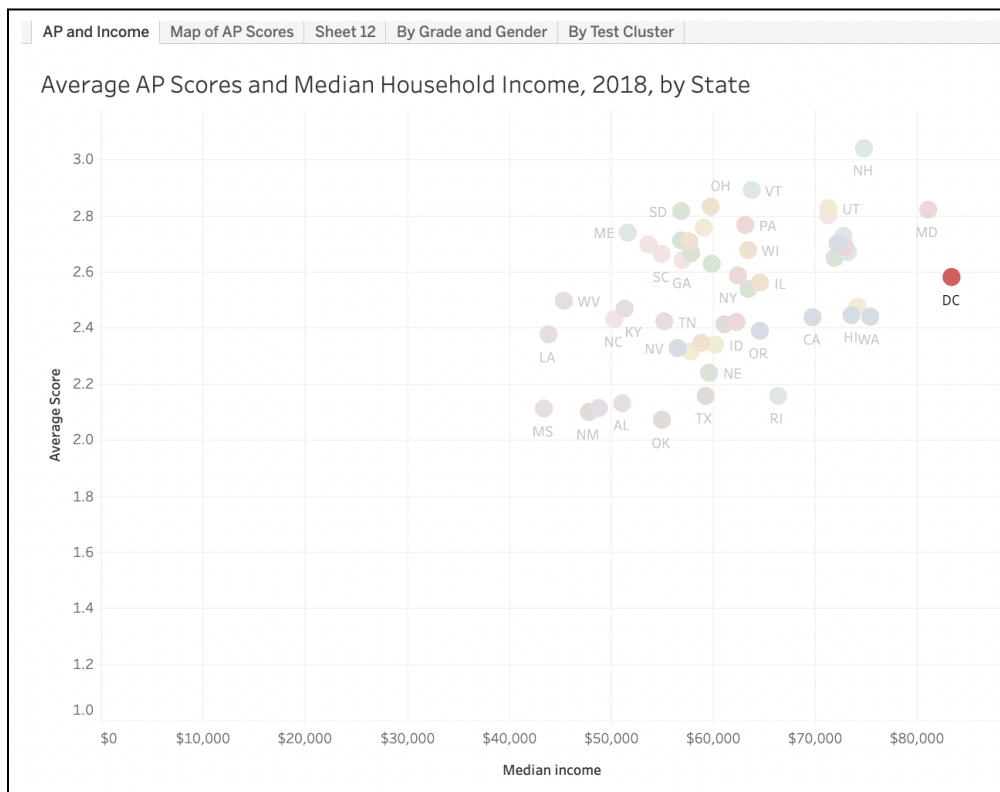


Black: DC's Black students' average AP score ranks 46th in the nation.



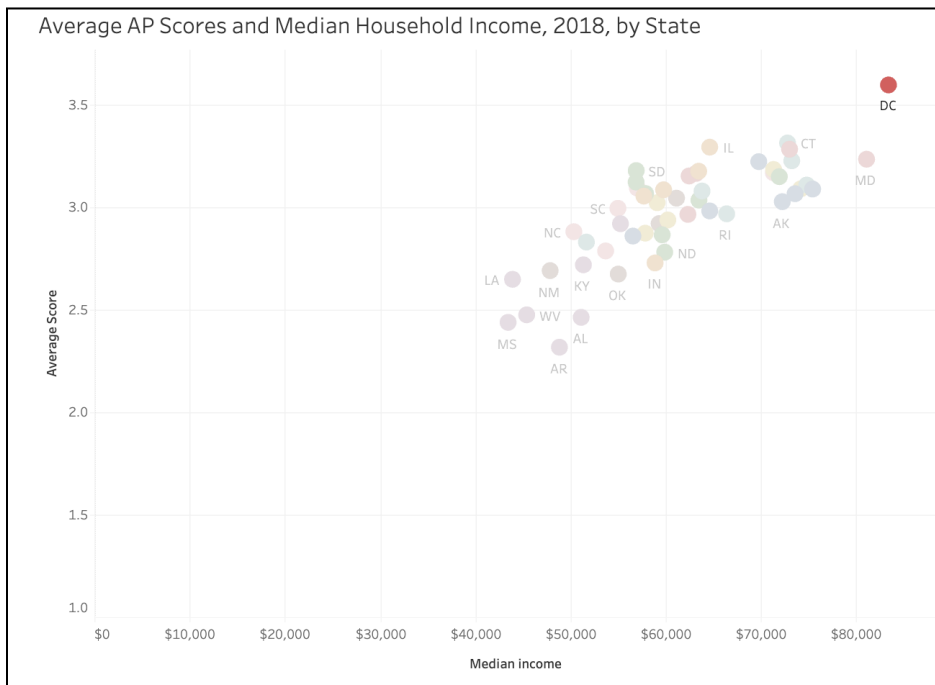


Latino



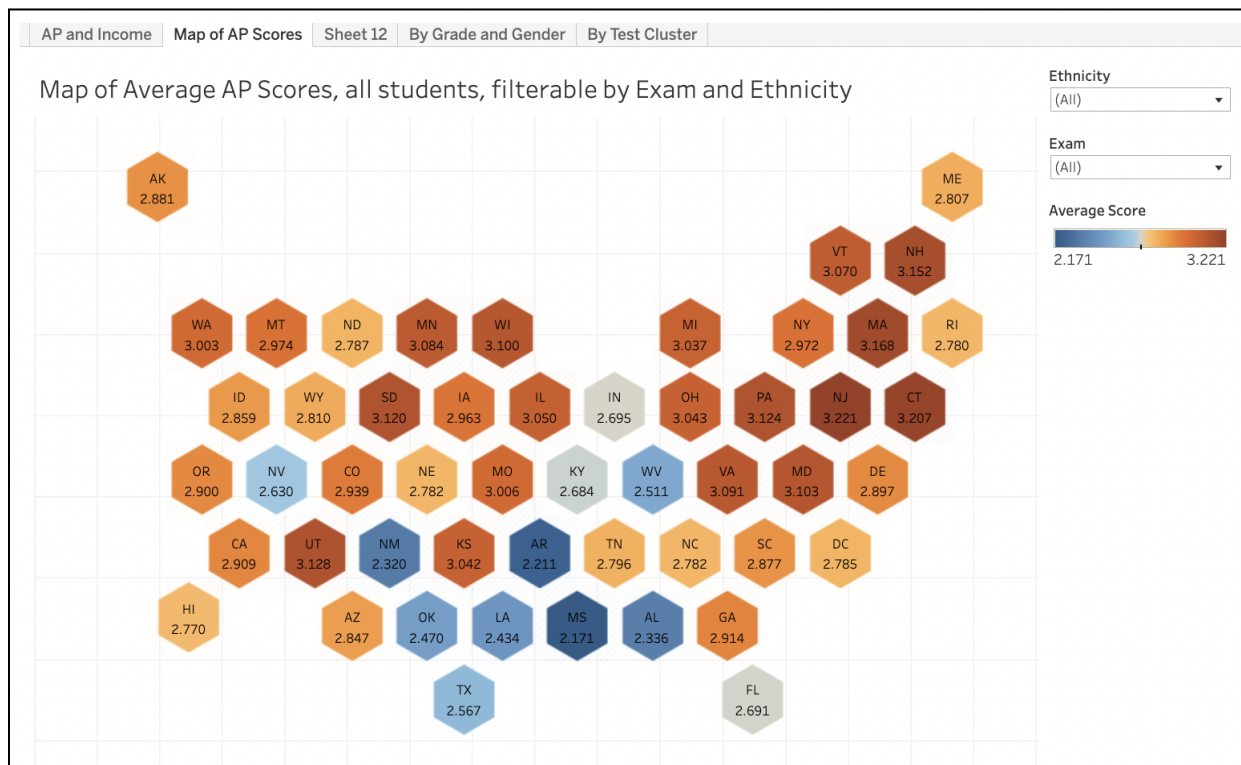


White: DC's White students ranked #1 in the nation for AP scores





Here's another way to look at average AP Scores.



5. A [study of DCPS](#) participation and pass rate showed growth in participation and pass rate, but the pass rate is very, very low.



Table 1. Of the four District of Columbia Public Schools high schools that adopted a mandate on Advanced Placement (AP) enrollment during the study period, three schools had higher AP exam taking and passing rates every year after the mandate went into place, 2011/12–2017/18 (percent of students, unless otherwise indicated)

School year	High schools mandating AP course enrollment											
	Benjamin Banneker Academic High School (n = 290–352)		Columbia Heights Educational Campus (n = 615–848)		Duke Ellington School of the Arts (n = 379–406)		McKinley Technology High School (n = 432–497)		School Without Walls (n = 372–457)		Other DCPS high schools (n = 5,295–6,016)	
	Took	Passed	Took	Passed	Took	Passed	Took	Passed	Took	Passed	Took	Passed
2011/12	83	17	64	13	23	11	43	4	84	53	16	5
2012/13	71	13	60	12	37	12	48	4	88	54	18	5
2013/14	64	14	59	14	28	12	43	5	85	57	21	6
2014/15	69	26	62	16	35	15	51	6	88	53	23	7
2015/16	75	40	57	8	41	12	68	13	87	64	22	7
2016/17	72	34	61	11	40	12	63	13	88	66	26	8
2017/18	67	42	67	14	64	19	67	13	91	73	30	10
Change from 2011/12 to 2017/18 (percentage points)	-16	25	3	1	41	8	24	9	7	20	14	5

DCPS is District of Columbia Public Schools.

Note: Values in red indicate the years in which each school mandated that students enroll in AP courses. McKinley Technology High School required that all students take at least two AP courses during high school but did not require specific AP courses in specific grades; its mandate went into place for grade 9 students entering in 2012/13, and the first year in which these students could have completed the requirements by grade 12 was 2015/16. The sample size (n) represents the range in the number of students in grades 10–12 in each school between 2011/12 and 2017/18.

Source: DCPS student-level AP exam records for 2011/12–2017/18.



One problem: about half the people teaching AP courses did not major in the subject they're teaching.

Table 5. The share of Advanced Placement teachers in District of Columbia Public Schools high schools whose college major aligned with the course they taught declined over the study period, 2014/15–2017/18

School year	Number of AP teachers	Number of AP teachers with a college major on record	Percent of AP teachers whose college major aligned with each AP course they taught, among teachers with a college major on record	Percent of AP teachers whose college major aligned with the subject area of each AP course they taught, among teachers with a college major on record
2014/15	115	40	60	75
2015/16	172	67	51	67
2016/17	172	78	47	71
2017/18	187	92	46	66
Average, 2014/15–2017/18	172	69	51	70

AP is Advanced Placement.

Note: The analyses of college major alignment are limited to teachers with a college (undergraduate or graduate) major on record. Alignment with an AP course refers to the narrow topic area of the course (for example, a physics major who teaches AP Physics), whereas alignment with the subject area of an AP course is defined more broadly (for example, any science major who teaches any AP science course). See table A4 in appendix A for the mapping of AP courses and their subject areas to college majors.

Source: District of Columbia Public Schools teacher records for 2014/15–2017/18.

My name is Helen Dooley. I am a 25-year resident of the District, and I live with my husband and our children in Ward 3. I am here to testify in support of Bill 24-665, "Access to Advanced Placement Exams Amendment Act of 2022."

Many thanks to the Council and Committee for considering the bill, and Councilmember Cheh and Chairman Mendleson for introducing it.

I have been homeschooling in the District for eleven years. My oldest child is a homeschooled high school junior, and has been directly impacted by lack of access to Advanced Placement exams for homeschoolers in the District.

In order to take an AP exam a homeschooled student must be registered with the College Board through a school that offers that exam. Homeschoolers are not permitted to register for an exam on their own. The College Board provides a list of which schools offer which AP courses (and thus AP exams). The homeschooling family then contacts the applicable school or schools to request permission for the homeschooled student to take the applicable AP exam or exams.

Last year my daughter needed to be registered for two different AP exams, both of which were offered by our local public high school, Jackson Reid (then Wilson). We reached out to the AP Coordinator at Jackson Reid, and asked that my daughter be registered to take the exams. We made clear we were willing to pay the exam fees.

The AP Coordinator was happy to accommodate my daughter, but DCPS would not allow it. DCPS said that the cost of AP exams are covered centrally for DCPS students, and there was no mechanism to collect payment from homeschool families (and no mechanism could be created, including writing a check made out to the school).

DC regulations governing homeschoolers state that homeschooled students "may participate free of charge in the regularly scheduled standardized testing programs that are administered in the public school the child is eligible to attend." (5209.1) DCPS's position was that "regularly scheduled standardized testing programs" do not include AP exams, and refused to allow my daughter to take any AP exam at any DCPS school, even if we paid the exam fees.

I spent most of the fall of 2021 going back and forth with DCPS and OSSE on this matter. In the meantime, I was scrambling to find a school that would allow my daughter to take her exams. While we eventually found one, the entire process was very time consuming and caused unnecessary anxiety, particularly for my daughter, who worked very hard in her AP classes and was eager to take the exams.

In my experience, DC private and charter schools are not willing to accommodate homeschoolers for AP exams. The logical place for a DC homeschooled student to take an AP exam is at the local public high school, if that school offers the exam, or at another DCPS school that offers the exam.

Over this past year I learned that Maryland public schools make this process very easy for homeschoolers. Homeschoolers in Maryland need only contact the AP Coordinator at their local public school. If the school offers the requested class (and thus the requested exam), the homeschool family simply pays the required exam fee (in a check made payable to the school), and the student is registered to take the exam. Bill 24-665 would make the process similarly easy for homeschooling families in DC.

Homeschooling families in DC appreciate the city's efforts to provide equitable access to city services available to all District students, such as the Kids Ride Free program. In the same spirit, we ask that the Council pass Bill 24-665, to allow homeschooled students to take AP exams at DC public schools. Thank you.



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Chairman Phil Mendelson

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

DATE: November 10, 2022

RE: **Legal Sufficiency Determination for the Access to
Advanced Placement Tests Amendment Act of 2022,
B24-665**

The measure is legally and technically sufficient for Council consideration.

The proposed bill would require the District of Columbia Public Schools (“DCPS”) to permit a student who is participating in a homeschooling program, as certified by the Office of the State Superintendent of Education (“OSSE”), to sit for an advanced placement test at the student’s right-to-attend school, or at an alternate location if the student’s right-to-attend school is not offering the test, following payment of test-related costs fees. It would also require DCPS and OSSE to publicize information related to access to advanced placement testing for students participating in a homeschooling program on their websites.

I am available if you have any questions.

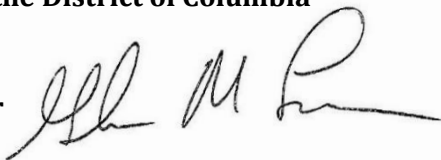
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: November 10, 2022

SUBJECT: Fiscal Impact Statement – Access to Advanced Placement Tests
Amendment Act of 2022

REFERENCE: Bill 24-665, Draft Committee Print as provided to the Office of Revenue
Analysis on October 27, 2022

Conclusion

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

Background

The bill requires the District of Columbia Public Schools (DCPS) to permit non-enrollees to take an Advanced Placement (AP) test at their right-to-attend school if certified by the Office of the State Superintendent for Education (OSSE). DCPS can offer an alternative location for a non-enrollee if their right-to-attend school does not offer a particular exam. OSSE must notify non-enrollees of the exam date, time, location, and logistics. Details on how non-enrollees can take an AP exam must be posted on OSSE's website within thirty days of the effective date of the bill.

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. OSSE can certify non-enrollees to take AP exams and provide exam information without additional resources. DCPS already provides AP exams and can likely accommodate test taking non-enrollees. Depending on demand, DCPS may need to pay for additional test proctors if the number of non-enrollees taking an exam exceeds testing room capacity. It is unknown if DCPS will need to pay for additional test proctors at this time.

1 **COMMITTEE PRINT**
2 **Committee of the Whole**
3 **November 15, 2022**
4
5
6

7
8 **A BILL**

9
10 **24-665**

11
12 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**
13
14
15

16 To require the District of Columbia Public Schools to permit non-enrollees to sit for Advanced
17 Placement tests at the non-enrollee’s right-to-attend school or a reasonable alternate
18 location; to require that OSSE certify non-enrollees as eligible to sit for a test; to
19 prescribe the timing and content of notice to be provided to non-enrollees on the timing
20 and location of a test; and, to require that DCPS and OSSE include information on non-
21 enrollee’s access to college preparatory standardized tests on their websites.
22

23 **BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
24 **act may be cited as the “Access to Advanced Placement Tests Amendment Act of 2022”.**

25 **Sec. 2. (a)(1) Within 180 days after the effective date of this act, the District of Columbia**
26 **Public Schools (“DCPS”) shall permit a non-enrollee to sit for an Advanced Placement test**
27 **(“test”) at the student’s right-to-attend DCPS school; provided, that the Office of the State**
28 **Superintendent of Education (“OSSE”) has certified to DCPS that the non-enrollee is eligible to**
29 **sit for the test.**

30 **(2) OSSE shall certify a non-enrollee as eligible to sit for a test where:**

31 **(A) OSSE has received timely notification that the non-enrollee is**
32 **participating in a homeschooling program for the school year in which the test is to be**
33 **administered; and**

34 (B) OSSE has received a timely request from the non-enrollee to
35 register for the test.

36 (b) DCPS may offer a reasonable alternate location for a non-enrollee to take a currently
37 offered test where the non-enrollee's right-to-attend school will not offer a particular test during
38 the relevant school year or term.

39 (c) Where OSSE has certified to DCPS that a non-enrollee is eligible to sit for a test
40 pursuant to subsection (a)(2) of this section, DCPS shall provide notice to the non-enrollee at
41 least 30 days in advance of the date of administration of the test of:

42 (1) The date, time, and location that the non-enrollee will take the test; and

43 (2) Information on testing logistics, including an e-mail address and phone
44 number that non-enrollees may use to contact DCPS about the test, and a link to information on
45 the DCPS website on AP testing for non-enrollees.

46 (d) A non-enrollee shall remit payment for test fees, processing fees, or costs incurred by
47 OSSE, DCPS, or an individual school to administer a test by check made payable to the District
48 of Columbia Treasurer.

49 (e) Within 30 days after the effective date of this act:

50 (1) DCPS shall make available on its website information on how a non-enrollee
51 may register for tests with OSSE, test day logistics, and any other relevant information, including
52 a method for non-enrollees and their parents or guardians to contact DCPS with questions about
53 testing under this act; and

54 (2) OSSE shall make available on its website information on how a non-enrollee
55 may register for tests, a link to information on the DCPS website on AP testing for non-enrollees,

56 and any other relevant information, including a method for non-enrollees and their parents or
57 guardians to contact OSSE with questions about testing under this act.

58 (f) For the purposes of this section, the term:

59 (1) “Non-enrollee” means a District resident of school age participating in a
60 homeschooling program, who is eligible to enroll at a DCPS school.

61 (2) “Right-to-attend school” means the DCPS school that a District resident of
62 school-age may attend by right, based on the child’s place of residence being located in the
63 catchment area for that school.

64 Sec. 3. Fiscal impact statement.

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

68 Sec. 4. Effective date.

69 This act shall take effect following approval by the Mayor (or in the event of veto by the
70 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
71 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
72 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
73 Columbia Register.