

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

NOTICE OF SECOND PROPOSED RULEMAKING

The Chancellor of the District of Columbia Public Schools (DCPS), pursuant to Section 103 of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-172(c) (2012 Repl.)), and Mayor’s Order 2007-186, dated August 10, 2007, hereby gives notice of the intent to amend Chapter 20 (Admission of Students) of Title 5 (Education), Subtitle E (Original Title 5), of the District of Columbia Municipal Regulations (DCMR).

The rulemaking will delete Section 2002 of Chapter 20 and replace it with a new Section 2002. The purpose of the proposed rulemaking is to ensure consistent implementation of procedures instituted by DCPS and the Office of the Deputy Mayor for Education regarding student enrollment, attendance zones, and the implementation of the My School DC Lottery.

Previous emergency and proposed rules were adopted on December 8, 2014 and took effect at that time, published at 62 DCR 2821 (March 6, 2015). The rules expired on April 4, 2015 and no Notice of Final Rulemaking was published.

This proposed rulemaking will be submitted to the Council for a forty-five (45) day period of review. The Chancellor of DCPS also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days from the publication of this notice in the *D.C. Register*, and after approval of the rulemaking by the Council of the District of Columbia, as specified in Section 105 (c)(5) of the Act (D.C. Official Code § 38-172 (c)(2) (2012 Repl.)).

Chapter 20, ADMISSION OF STUDENTS, of Title 5-E DCMR, ORIGINAL TITLE 5, is amended as follows:

Section 2002, ADMISSION AND REGISTRATION PROCEDURES, is deleted and replaced with a new Section 2002 to read as follows:

2002 ADMISSION AND REGISTRATION PROCEDURES

2002.1 Application for admission to the D.C. Public Schools shall be made by registering at the school the student is eligible for that is located in the attendance zone within which the applicant resides before October 5th of each year, or by application in the out-of-boundary lottery process pursuant to § 2106. After October 5th of each year, a student maintains the right to attend in-boundary schools for Kindergarten through 12th grade but must register for mid-year enrollment at his or her in-boundary school by using the My School DC common lottery program.

2002.2 Application for admission to the D.C. Public Schools by students who reside outside of the District of Columbia shall be made to the common lottery program,

My School DC, and are subject to the residency regulations and tuition requirements established by the Office of the State Superintendent for Education.

- 2002.3 Residence attendance zone restrictions shall not apply to the following:
- (a) Career development centers;
 - (b) Special education schools or programs;
 - (c) Adult education day and evening schools; or
 - (d) Schools and programs as defined in §§ 2106.8-2106.10.
- 2002.4 If admission to a particular school or program is not based upon residence in a particular attendance zone, initial registration may be required at the appropriate attendance zone school, as required in § 2002.1, or at another place designated by the Chancellor of Schools.
- 2002.5 The principal or other person in charge of registration for each school or program shall be responsible for the receipt of all required documents for enrollment, the conduct of registration procedures, and the certification that all lottery application requirements, admission requirements, and prerequisites have been properly met by the student.
- 2002.6 Prior to the admission of a student the adult student, or the student's parent or guardian shall be required to provide documentary proof of the date of birth of each registering student. Proof of age may include, but is not necessarily limited to, any one (1) of the following:
- (a) An original or certified true copy of the student's official birth certificate;
 - (b) A valid, unexpired passport which gives the student's date of birth;
 - (c) A sworn (notarized) affidavit of the student's correct date of birth. Affidavit forms shall be available from each principal or other person responsible for admission and registration procedures;
 - (d) An official transcript from the last school attended which includes the student's date of birth; or
 - (e) An original or certified true copy of the student's baptismal certificate which includes the student's date of birth.
- 2002.7 A minor student must be accompanied at registration by a parent or guardian.

2002.8 The parent or guardian shall provide the following information for each registering minor student:

- (a) Full name of the student;
- (b) Full name, home address, and work address of each parent, guardian, or other person having custody or control of the minor student for the purpose of admission;
- (c) The home and work telephone numbers of each parent, guardian, or other responsible adult or, in each case, the telephone number through which each person may be contacted at home and at work;
- (d) The name and telephone number of a person or persons who should be contacted in case of an emergency;
- (e) The name, address, and telephone number of the student's physician, clinic, or other person or agency where the student's medical records are located;
- (f) The date of registration; and
- (g) The manner or type of admission.

2002.9 An adult student shall not be required to provide information about the adult student's parent or guardian, but shall provide the appropriate items of information about him or herself.

2002.10 The principal or other person responsible for admission or enrollment shall adhere to the following:

- (a) The principal or other person responsible for admission and enrollment procedures shall follow the requirements set forth in Title 38, Chapter 3 of the District of Columbia Official Code, and Chapter 50 of Title 5-A DCMR, with respect to verification of District of Columbia residency for all enrolled students.
- (b) For students enrolled through the out-of-boundary lottery process, the principal or other person responsible for admission and enrollment procedures shall require the parent, guardian, or other custodian to provide a copy of the My School DC Enrollment Form.
- (c) For students enrolled mid-year after October 5th of the current year, the principal or other person responsible for admission and enrollment shall require the parent, guardian or other custodian to register through the My

School DC program at any DCPS school, including the student's in-boundary school.

- 2002.11 District residency shall be determined pursuant to the District of Columbia Nonresident Tuition Act of 1960, effective September 8, 1960 (74 Stat. 853; D.C. Official Code §§ 38-302 *et seq.*).
- 2002.12 Any person who supplies false information to the D.C. Public Schools in connection with student residency verification may be subject to penalties in accordance with the provisions of D.C. Official Code § 38-312.
- 2002.13 All residency verification procedures shall be implemented in accordance with Chapter 50 of Title 5-A DCMR.
- 2002.14 The principal or other person responsible for admission and registration procedures shall keep a record of the removal of any student from the rolls of the school or program and any subsequent readmission of the student.
- 2002.15 All records and information received and maintained pursuant to this section shall be subject to the requirements and restrictions set forth in Title 5-E DCMR Chapter 26.
- 2002.16 Except as provided otherwise in this section, the entrance-level placement of each student shall be individually determined by the principal or other person in charge of the school or program.
- 2002.17 Entrance-level placements for students with disabilities shall be determined by referral of the student for assessment and evaluation pursuant to the provisions of Title 5-E DCMR Chapter 30.
- 2002.18 Bilingual and non-English speaking students shall be referred for placement determination to the Office of Bilingual Education, and the appropriate placement determination shall be transmitted to the principal or other person in charge of the school or program.
- 2002.19 Entrance-level placement determinations may be challenged under the rules and procedures set forth in Title 5-B DCMR Chapter 24, except for challenges to proposed placements for handicapped students, which shall be made pursuant to the rules and procedures set forth in Title 5-E DCMR Chapter 30.
- 2002.20 A local school administrator shall not exclude from admission or attendance any compulsory school-aged minor who resides in his or her school's attendance zone, gained a right to attend the school through the My School DC common lottery program, or who has been placed in his or her school by the Division of Special Education or the Division of Bilingual Education, unless the minor has been involuntarily transferred. This includes, but is not limited to, the following:

- (a) All minors who will be five (5) years of age on or before September 30th in the current school year and have not yet reached the age of eighteen (18) years;
- (b) Teen-aged parents who have responsibility for the care of their children;
- (c) Adjudicated or previously incarcerated youth who return to school voluntarily or by legal mandate;
- (d) Minors awaiting special education evaluation for appropriate placement;
- (e) Compulsory school-aged minors residing temporarily in a shelter, halfway house or similar facility or having no fixed address. The minor may elect to continue enrollment in the local school serving his or her last permanent domicile;
- (f) Students attending the by-right alternative to their dual-language zoned school.

2002.21 Administrators shall place the eligible students in appropriate educational programs compatible with their last grade completed pending evaluative studies or alternative placement when necessary.

Comments on this rulemaking should be submitted, in writing, to Eboni J. Govan, DCPS, 1200 First Street, N.E., 10th Floor, Washington, D.C., 20002, or dcpsregs@dc.gov, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Additional copies of this rule are available from the above address or the DCPS website, www.dcps.dc.gov.