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**State Board of Education Resolution  
To Approve the Promulgation of Proposed Residency Rulemaking  
SR17-5**

7 **WHEREAS**, District of Columbia law requires State Board of Education approval of rules for  
8 residency verification;  
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10 **WHEREAS**, to enroll a student in a District of Columbia public or public charter school, a  
11 parent, guardian, or other primary caregiver is required to provide the school with original  
12 documents to prove District residency, including the Office of the State Superintendent of  
13 Education’s Residency Verification form, supporting documentation as set forth in D.C. Code §  
14 38-309, and other primary caregiver documentation, if applicable;  
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16 **WHEREAS**, the current regulatory framework for residency verification was last updated in  
17 2008 and the education landscape in the District has changed since then, including the dramatic  
18 expansion of pre-K programs;  
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20 **WHEREAS**, the current regulatory framework lacks clarity, particularly around the basic  
21 definition of residency and for custody situations;  
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23 **WHEREAS**, there is an opportunity to improve residency verification by reducing burdensome  
24 practices while making sure seats for District schools are first available to District residents;  
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26 **WHEREAS**, the State Superintendent issued an Advanced Notice of Proposed Rulemaking on  
27 September 8, 2016 which intended to reduce burdens, lift barriers, and improve clarity for both  
28 local education agencies and families in the residency verification process as well as to ensure a  
29 rigorous process that discourages fraud;  
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31 **WHEREAS**, the State Superintendent solicited feedback on the Advanced Notice of Proposed  
32 Rulemaking during the public comment period open from September 8, 2016 through October  
33 26, 2016, including receiving comments from the public and local education agencies during  
34 engagement sessions at the Office of the State Superintendent on September 22, October 11, and  
35 October 18, 2016, and written feedback various education stakeholders across the District;  
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37 **WHEREAS**, the State Superintendent thoroughly considered and amended the proposed rule  
38 based on the comments received, and therefore issued an Notice of Proposed Rulemaking in the  
39 D.C. Register on January 13, 2017 for a thirty (30) day public comment period at 64 DCR 2 that  
40 included the following:

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- 42 • Two-part test for residency which includes establishing a physical presence in the District  
43 and submission of valid and proper documentation;
  - 44 • Protections for vulnerable populations, including students experiencing homelessness,  
45 undocumented students, adult students, wards of the District, and minor parents;
  - Residency determinations in various formal and informal custodial situations;

- 46 • Option of efficient and streamlined residency verification for K-12 students that meets  
47 the annual submission;  
48 • Three-part test for when a student’s residency may be based on other primary caregiver’s  
49 residency;  
50 • Authority for OSSE to monitor the residency verification process to offer further  
51 protections;  
52 • Guidelines for the enrollment and re-enrollment of nonresident students;  
53 • Detailed requirements around the investigation of a nonresident student; and  
54 • Two venues to obtain a final administrative decision on finding of non-residency;  
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56 **WHEREAS**, the State Superintendent solicited feedback on the Notice of Proposed Rulemaking  
57 during the public comment period open from January 13, 2017 through February 13, 2017, and  
58 received comments from one stakeholder;  
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60 **WHEREAS**, the State Superintendent adopts the final rules in substantially the same form as  
61 proposed with clarifications and deletions taking into account suggestions received from the one  
62 stakeholder’s comments;  
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64 **WHEREAS**, the State Superintendent and members of the State Board of Education have  
65 engaged in an extensive period of public engagement, including receiving testimony from the  
66 public and from the Office of the State Superintendent of Education regarding the proposed and  
67 final residency rules at a public meeting held on October 26, 2016, as well as at working sessions  
68 held on October 5, November 2, 2016, and March 1, 2017;  
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70 **WHEREAS**, members of the State Board of Education and the public underscored the need for  
71 more ways to identify fraud other than through the tip hotline; reduce burdens for families and  
72 local education agencies; and augment protections for homeless, undocumented, and adult  
73 students.  
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75 **WHEREAS**, the State Board of Education has reviewed the final residency rulemaking and  
76 finds that they embody the State Board’s commitment to balancing ease of verification with  
77 ensuring that District students have first access to seats in District schools.  
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79 **NOW THEREFORE BE IT RESOLVED THAT** the State Board advises that the State  
80 Superintendent promulgate final rulemaking substantially the same form as proposed with minor  
81 clarifications and deletions provided that if substantive changes are made to the final rulemaking,  
82 the regulations will require further review and action by the State Board.  
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85 Date Adopted: March 15, 2017 Signed:   
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