



State Board of Education State Resolution
Calling for Changes to Compulsory Public School Attendance and Enrollment
Requirements in D.C.
SR25-9

WHEREAS, D.C. Official Code § 38–202(a) requires “*Every parent, guardian, or other person, who resides permanently or temporarily in the District during any school year and who has custody or control of a minor who has reached the age of 5 years or will become 5 years of age on or before September 30th of the current school year shall place the minor in regular attendance in an educational institution during the period of each year when the public schools of the District are in session*”;¹

WHEREAS, D.C. Official Code § 38–201(2A) defines an “educational institution” as “*a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, a parochial school, or a private instructor*”;²

WHEREAS, DCPS is interpreting private and parochial pre-K programs to not satisfy the definition of a “school” under D.C. Official Code § 38–201(2A);³

WHEREAS, D.C. Public Schools (“DCPS”) has abruptly changed long-standing kindergarten enrollment policies without providing advanced notice to families and private and parochial pre-K facilities and has reversed written commitments DCPS made regarding kindergarten enrollment, feeder patterns, and sibling preferences, which families have relied upon, thus preventing families from making informed decisions;

WHEREAS, Lafayette Elementary School (Ward 4), Ross Elementary School (Ward 2), and all Ward 3 elementary schools lack any in-boundary pre-K classes for three-year-olds due to school overcrowding caused by the District of Columbia’s (“District”) failure to build or acquire adequate elementary school physical space in these geographic areas;

WHEREAS, although DCPS, public charter schools, and public pre-K3 institutions require students to turn three by September 30 of the current school year to enroll, numerous private and parochial pre-K programs have historically enrolled children based on the child’s age at the beginning of their school year;

WHEREAS, the Office of the State Superintendent of Education (“OSSE”) requires a facility to specify on its license the ages of students it serves, and although programs can add two-year-olds to pre-K3 to serve youth with September birthdays, numerous facilities have not done so, because they received no notice of the DCPS shift in policy;

¹ See <https://code.dccouncil.gov/us/dc/council/code/sections/38-202>

² See [https://code.dccouncil.gov/us/dc/council/code/sections/38-201#:~:text=\(2A\)%20%E2%80%9CEducational%20institution%E2%80%9D,on%20a%20single%20school%20day](https://code.dccouncil.gov/us/dc/council/code/sections/38-201#:~:text=(2A)%20%E2%80%9CEducational%20institution%E2%80%9D,on%20a%20single%20school%20day)





WHEREAS, DCPS has reversed enrollment deferrals, which it had already previously approved for students with developmental delays, without reassessing the readiness of children for first grade;

WHEREAS, parents who enrolled in private or parochial pre-K programs, and who completed pre-K3 and pre-K4 instruction, are being told they must skip DCPS kindergarten, and these students are being enrolled in first grade by DCPS;

WHEREAS, DCPS officials instructed multiple families to withdraw their children from the pre-K4 programs that their children were currently attending, with only approximately two months left in the school year, and demanded they enroll these children in DCPS kindergarten;

WHEREAS, DCPS officials reported at least two families to the DC Child and Family Services Agency (“CFSA”) for investigation of educational neglect due to purported chronic absenteeism and truancy, even though the minor children were attending high-quality pre-K4 programs;

WHEREAS, the District of Columbia is tied for the latest compulsory kindergarten entrance-age date cutoff in the country with the state of Virginia, which shares the September 30 age cutoff, but has a flexible enrollment deferral option if a child is not ready for kindergarten;⁴

WHEREAS, if a minor living in another state turns five after that state’s kindergarten entrance-age date cutoff, but before September 30, and then the family moves into the District during the D.C. school year, DCPS currently interprets that minor child to be truant;

WHEREAS, if a minor living in another state turns five after that state’s kindergarten entrance-age date cutoff, but before September 30, and then the family moves into the District during the DC school year, DCPS is refusing to allow those children to attend kindergarten, and is requiring them to attend first grade; and

WHEREAS, DCPS is required to consider educational proficiency and physical, social, or emotional development under DCMR § 2201.6 in the promotion of students in pre-Kindergarten through eighth grade, but appears to be dismissing these factors, in deference to a rigid age cutoff.⁵

NOW, THEREFORE BE IT RESOLVED, that the D.C. State Board of Education (State Board) calls for all students to be able to attend kindergarten;

⁴ National Center for Education Statistics. (2020). *State education practices: Table 1.3 – Types of state and district requirements for kindergarten entrance and attendance, by state: 2020*. U.S. Department of Education. Retrieved June 13, 2025, from https://nces.ed.gov/programs/statereform/tab1_3-2020.asp

⁵ See https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Student%20Promotion%20Policy.pdf





BE IT FURTHER RESOLVED, DCPS did not provide adequate notice to families, who have been forced to rely on the private and parochial pre-K educational system, that DCPS was no longer utilizing the flexibility provided in DCMR § 2201.6 for enrolling students graduating from pre-K4 programs into kindergarten;

BE IT FURTHER RESOLVED, DCPS should not reverse prior commitments it has made, in writing, on enrollment deferrals and boundary assignments, which families have relied upon;

BE IT FURTHER RESOLVED, that the State Board recommends a two-year delay of kindergarten enrollment policy changes and a one-year delay of boundary assignment changes to provide adequate and consistent communication to families, DCPS staff, and pre-K facilities of the proposed changes;

BE IT FURTHER RESOLVED, that the State Board unequivocally rejects the notion that a five-year-old minor who is attending a pre-K4 program is truant or experiencing educational neglect;

BE IT FURTHER RESOLVED, that the State Board states that withdrawing a student from a pre-K4 program to enroll that minor in kindergarten with just months remaining in the school year is not in the best interests of the minor child;

BE IT FURTHER RESOLVED, that the State Board repudiates and condemns DCPS reporting at least two families to the Child and Family Services Agency (CFSA), which represents an abuse and overreach of government authority, causes unnecessary emotional distress for parents, appears to be vindictive and retaliatory, and unnecessarily distracts CFSA from using its limited governmental resources to protect children to are actually experiencing truancy, chronic absenteeism, or educational neglect;

BE IT FURTHER RESOLVED, that the State Board calls upon DCPS to cease any reporting of families attending pre-K4 to CFSA effectively immediately;

BE IT FURTHER RESOLVED, in the instance of a minor, who was living in another state and turned five after that state's kindergarten entrance-age date cutoff, but before September 30, and then the family moves into the District of Columbia during the DC school year, the State Board does not believe that the family should be compelled to enroll the minor child in school, does not believe the child truant nor a victim of educational neglect, and calls for D.C. Official Code to be clarified to ensure this is clear to prevent further harassment of families by DCPS;

BE IT FURTHER RESOLVED, in the instance of a minor who was living in another state and who turned five after that state's kindergarten entrance-age date cutoff, but before September 30, and then the family moves into the District of Columbia during the DC school year, that minor should be allowed to attend DCPS kindergarten;

BE IT FURTHER RESOLVED, that the State Board recommends the statutory changes to D.C. Official Code reflected in Attachment A of this resolution;





BE IT FURTHER RESOLVED, that the State Board recommends the transmission of the *Let Students Attend Kindergarten Emergency Declaration Resolution of 2025*, the *Let Students Attend Kindergarten Emergency Amendment Act of 2025*, and the *Let Students Attend Kindergarten Temporary Amendment Act of 2025* for introduction at the Council of the District of Columbia by Chairman Phil Mendelson, at the request of the State Board; and

BE IT FINALLY RESOLVED, that the State Board respectfully requests that the Council of the District of Columbia approve emergency legislation in July 2025 to protect families and ensure all impacted students attend kindergarten in School Year 2025-2026.

Date Adopted: June 18, 2025

Signed: _____

Jacque Patterson, President

