

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The State Superintendent of Education, pursuant to the authority set forth in Section 3 (b)(3) of the District of Columbia State Education Office Establishment Act of 2000, (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(3))(2007 Supp.); and Title IV, Section 403 of the Public Education Reform Amendment Act of 2007 (D.C. Law 17-9; § 38-2652) (2007 Supp.); gives notice of the adoption on an emergency basis of an amendment to Section 5002, in Chapter 50 of Title 5 of the *District of Columbia Municipal Regulations* (DCMR), entitled "Residency Verification for Public Schools and Public Charter Schools." The emergency rulemaking enhances the well being of District students and delivery of meaningful education. This revision enables District of Columbia Public Schools and Public Charter Schools to substantially improve the enrollment process. This revision will assure that more District children begin school on time, and maximizes the educational opportunities for students to enroll in public schools, with the verification process beginning at the end of a given school year. For School Year 2008-2009, the process may begin upon State Board of Education approval and for school years thereafter, on May 1st rather than July 1st of each year. This emergency action is required to provide the greatest possible period of time for the verification process for this upcoming school year.

The promulgation of the emergency and proposed rule was approved by the State Board of Education on June 4, 2008. The State Superintendent of Education adopted the emergency rule on June 4, 2008, and it became effective immediately. The State Superintendent of Education also gives notice of her intent to make the amendments to Section 5002 final, in not less than thirty days following the publication date of this emergency and proposed rule amendment in the *D.C. Register*. The emergency rule will expire 120 days from the effective date, or upon publication of the Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

**Section 5002 of Chapter 50 of Title 5 DCMR is amended to read as follows:****5002 Establishment of Residency**

- 5002.1 The residency status of each student enrolled in a District of Columbia Public School or a Public Charter School shall be established by October 5th of each year or within ten (10) business days after the date of enrollment, whichever occurs later within the school year for which the student is being enrolled. Residency status shall be re-established annually thereafter.
- 5002.2 The annual verification process shall not begin prior to May 1st of each year. Residency status shall be established with documentation set forth in §§ 5003, 5004, and 5005 of this chapter.

- 5002.3 The District of Columbia Public Schools and Public Charter Schools shall establish policies and procedures to carry out residency verification requirements in accordance with this rule.
- 5002.4 For a student whose primary caregiver is not a parent, custodian or guardian, establishment of residency shall also include documentation that the District of Columbia resident seeking to enroll the student is his or her primary caregiver, as set forth in §§ 5004 and 5005 of this chapter.

Persons wishing to comment on this proposed rule should submit their comments in writing to Deborah A. Gist, State Superintendent of Education, 441 4<sup>th</sup> Street, NW, Room 350N, Washington, D.C. 20001, Attn: Hom Raj Acharya, Education Program Specialist, Policy, Research & Analysis. All comments must be received by the Office of the State Superintendent of Education not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rulemaking amendment and related information may be obtained by writing to the above address, or by calling the Office of the State Superintendent of Education at (202) 727-6436.