



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

**TO:** Local Education Agencies and Education Stakeholders

**FROM:** Hanseul Kang, State Superintendent  
Office of the State Superintendent of Education

**DATE:** September 8, 2016

**SUBJECT:** Advanced Notice of Proposed Rulemaking – Residency Verification and Investigations

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On September 8, 2016, OSSE shared an Advanced Notice of Proposed Rulemaking (“ANPR”) proposed amendments to Chapter 50 of Title 5-A in the District of Columbia Municipal Regulations. This memorandum is intended to provide local education agencies (LEAs), parents and stakeholders with additional context to understand OSSE’s current practices for residency verification and investigation, and the new regulations and practices OSSE proposes to put into place to further prevent residency fraud while reducing burden and lift barriers for LEAs and families. This memorandum also reviews the documentation accepted in neighboring jurisdictions to establish residency and provides responses to frequently asked questions. We look forward to gathering feedback and revising these draft regulations before going through the formal rulemaking process.

## **I. OSSE’s Current Residency Verification and Investigation Practices**

### *Background*

DC residents can attend DC public and public charter schools tuition-free. Those who reside outside of the District of Columbia may only attend DC public or public charter schools when there are no DC residents on a school’s waitlist and tuition is paid.

To enroll, a parent, guardian, or other primary caregiver is required to show original documents to prove DC residency. An OSSE-developed form, the DC Residency Verification Form, must be completed and supporting documentation provided to the school. Acceptable documentation is specified in DC code. Some examples of documentation include a certified copy of Form D40 from the DC Office of Tax and Revenue (as evidence of DC taxes paid), a pay stub with a DC home address that indicates withholding of DC personal income tax for the current tax year, enrollment in DC public benefits or military housing orders. There are also procedures for verifying whether a student is homeless or a ward of the District of Columbia.

OSSE provides training to local education agency (LEA) registrars to support them in implementing the residency verification process. The trainings include a detailed review of the types of acceptable documentation for proving residency, procedures for home visits if

documentation cannot be provided, and the process for admitting non-resident students. The training addresses common questions, including the obligations of school officials in reviewing documentation and the consequences for accepting documents other from the parent/guardian or other primary caregiver. Additionally, OSSE provides on-going technical assistance and support to registrars, to ensure that there is a consistent process implemented and that any questions that may arise are addressed.

In some cases, students who reside outside of the District (“non-resident students”) are able to enroll at a District public school. An LEA may enroll a non-resident student after a determination is made by the LEA that space is available at a District public school because no qualified District resident is seeking admittance at that time for the same grade at the relevant school location. However, the non-resident student enrolled in a District public school will be required to pay non-resident tuition. OSSE manages the tuition agreements and collection of tuition payments for non-resident students on behalf of all LEAs, including the District of Columbia Public Schools (DCPS).

#### *Fraud Prevention*

Residency fraud may occur when any person, including any official of a DC public school or public charter school, knowingly supplies false information to a public official in connection with a student’s residency verification. Residency fraud may also involve the alteration of residency documentation, or it may involve the inappropriate use of a DC resident’s address by a non-DC resident for the purpose of attending a DC school. In an effort to prevent residency fraud, OSSE administers the residency fraud hotline and investigates non-residency allegations received from local education agencies (LEAs) and the public via OSSE’s hotline, directly or through other sources. OSSE also disseminates residency fraud information to the public, including our tip hotline information, via the Washington Metropolitan Area Transit Authority (WMATA). Over the last two school years, posters were placed inside and outside of buses that traveled throughout all of the Wards in the District to alert the public of how to report potential instances of residency fraud. In addition, OSSE has also continued to provide LEAs with resources related to residency, including OSSE-branded posters that are designed to provide critical information related to residency fraud to parents and other stakeholders. Finally, as described above, OSSE provides training to LEA registrars to support them in implementing the residency verification process. OSSE identifies non-residents through the following two methods: the annual enrollment audit and the residency fraud program.

OSSE’s residency fraud prevention program has a rigorous process for investigating tips of non-residency. Once a tip is received, OSSE requests residency verification and enrollment forms from the charter LEA for internal review. OSSE sends residency cases to a private investigator who reviews records (e.g. history of past and current addresses, vehicle registration information, mortgage records) and makes a preliminary finding regarding the student’s residency. If a parent or caregiver responsible for the student fails to prove residency in the District, the case will be referred to the Office of Administrative Hearings to conduct a contested hearing and issue a final administrative decision. If a final administrative decision is issued deeming the student a nonresident, OSSE advises the relevant LEA to withdraw the student as soon as the determination is made and OSSE begins the process of retroactive tuition collection.

*Enrollment audit and residency verification*

OSSE identifies non-residents through the annual enrollment audit, follow-up investigations, and through the residency fraud prevention program (more details on investigations and the prevention program are included below).

The annual student enrollment audit is required by law<sup>1</sup>, to determine and develop public education funding and policies. The audit evaluates the accuracy of the fall student enrollment count for all publicly funded schools. The audit takes place in the fall of each school year and consists of a physical head count of each student enrolled in the following: District of Columbia Public Schools (DCPS); public charter schools (PCS); DCPS or PCS schools, but attending private special education schools or programs (“Non-Publics”); community-based organizations (CBOs) designated as high-quality through OSSE’s Pre-K Enhancement and Expansion program; and DC foster care students attending schools in surrounding counties and those registered with the Department of Youth Rehabilitation Services (DYRS).

Independent auditors are retained to conduct an examination of enrollment, which includes a physical head count of the entire student population of the District of Columbia schools, as well as procedures for District of Columbia students enrolled in non-public schools, programs and surrounding county schools. The audit reviews student records to determine enrollment and residency status as of October 5 (or the next business day if this falls on a weekend or holiday) of the given school year.

Auditors visit each school and CBO to collect documentation and verify the enrollment, attendance, residency, and non-resident tuition payment information of each student. The DC Residency Verification Form provided by the school is inspected for 100 percent of students. Furthermore, the supporting residency documentation is examined for a 10 percent sample of non-direct certified students to confirm residency status. Also, in Fiscal Year 2015, OSSE amended the enrollment audit to complete both a review of the documentation for 10 percent of the 3- and 4-year old population and a 10 percent sample of the overall school population for schools with a 3- and 4-year old population, including the pre-K student population in community-based organizations. Additionally, the enrollment audit includes verification of students’ limited English proficiency (LEP), at-risk, and special education statuses. Finally, the auditors examined the non-resident tuition collected for each non-resident student.

OSSE implements a more intensive enrollment audit process for schools that showed errors in the initial sample. Those schools are identified for an additional 10% sample check. Schools that also show errors in the second sample are identified for a 100% audit for the next school year, in which the auditors review 100% of the residency verification forms and 100% of the residency documents.

After the audit is complete, the auditors submit the names of non-residents to OSSE. These are students that did not have their residency cleared throughout the entire audit cycle (October-January). OSSE then sends a formal request for residency documentation for those students.

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<sup>1</sup> D.C. Official Code § 38-1804.02

Schools have 10 days to submit documentation for OSSE's review. OSSE either accepts the documentation as sufficient, allowing the student to be designated a resident, or denies the documentation. In the case of denial of the documentation, OSSE reaches out directly to the student's parents to obtain appropriate documentation. If appropriate documentation is not provided or a parent is not responsive to the request for documentation, OSSE submits a tip for investigation. The case then goes through the investigation process described above in the "Residency Fraud" section.

While these measures succeed in deterring residency fraud, OSSE believes that revisions of the current residency regulations in the DC Municipal Regulations will further tighten residency verification and investigation while provide greater clarity for LEAs and the public.

## **II. Advanced Notice of Proposed Rulemaking**

To that end, OSSE issued an Advanced Notice of Proposed Rulemaking (ANPR) on September 8, 2016 to provide stakeholders with an opportunity to review and comment on the proposed regulations prior to formal publication of the Notice of Proposed Rulemaking. The purpose of the ANPR is to clarify the residency policies and procedures required to ensure District residents have access to available seats at local schools, and that when extra space is available, non-resident students enrolled in a public school pay non-resident tuition. Through the ANPR, the Office of the State Superintendent of Education (OSSE) seeks to reduce burden and lift barriers for both local education agencies and families in the residency verification process, while also ensuring a rigorous process that discourages fraud. Revisions to the residency regulations are proposed to go into effect in time for the 2017-2018 school year.

The ANPR is divided into fifteen (15) sections, listed below. The ANPR is designed to address the following key areas: (1) provide clarification on issues that have been raised consistently as sources of confusion and challenges by LEAs and families; (2) provide additional flexibility to both families and LEAs; and (3) ensure a rigorous process to discourage fraud. Below each section heading, we have identified and explained any major shifts in the regulations.

### *5000 General Provisions*

- Places authority for residency verification and investigation with OSSE (as required by statute) by Oct 1, 2017.

### *5001 Establishing Student Residency*

- Provides a clear definition of residency as having established both a legal presence<sup>2</sup> and a physical presence in the District.
- Clarifies the various formal and informal custodial arrangements for the purposes of residency determination.
- Preserve protections for vulnerable populations (i.e. homeless students, undocumented students).

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<sup>2</sup> Establishing legal presence does not prohibit or impede undocumented students from receiving access to free and public education.

5002 *Student Residency Verification*

- Streamlines paperwork for families of returning students by offering an option of giving OSSE consent to go directly to other agencies on their behalf to further verify information by using regular feeds from other agencies (e.g., Office of Tax and Revenue and Department of Human Services) to facilitate independent verification of residency, and investigations.
- Sets forth stricter requirements for residency verification of pre-K age students.

5003 *Student Residency Verification: Timing*

- Adds a timeline for proving residency after the lottery that aligns with My School DC.

5004 *Student Residency Verification: Methods*

- Eliminates the acceptance of alternative documentation by LEA's without OSSE approval.
- Sets forth basic standards for home visits to verify residency.

5005 *Student Residency Verification: Other Primary Caregiver*

- Sets forth specific circumstances when a student's residency may be based upon an "other primary caregiver".

5006 *Student Residency Verification: Monitoring*

- Provides OSSE with authority to conduct monitoring of school residency verification processes.

5007 *Non-Resident Students*

- Provides for circumstances of admission of nonresident students to District of Columbia public schools.

5008 *Non-Resident Students: Investigations*

5009 *Non-Resident Students: Finding of Non-Residency and Notification*

- Both these sections enhance procedures, notifications, determinations stemming from allegations and investigations of student non-residency.

5010 *Non-Resident Students: Administrative Review of Contested Residency Case and Final Decision*

- This section allows residency cases to be heard by a hearing officer in OSSE's Office of Dispute Resolution or by an Administrative Law Judge in the District of Columbia's Office of Administrative Hearings, where the OAH Rules of Practice and Procedure shall govern the proceedings.

5011 *Non-Resident Students: Appeal Rights*

- No major shifts or changes to current practice.

5012 *Non-Resident Students: Action Upon Final Decision*

- Provides guidance to LEAs on next steps when an enrolled student is found a non-resident.

*5013 Non-Resident Students: Tuition Payments*

*5014 Non-Resident Students: Tuition Rates*

- Establishes method for collection of non-resident tuition.

*5099 Definitions*

- This section adds key definitions that provide OSSE with more structure and guidance for residency verification and investigation, including:
  - Care or control;
  - Custody;
  - Legal custody;
  - Legal presence;
  - Physical custody;
  - Physical presence;
  - Reside; and
  - Support.

### **III. New Residency Verification and Investigation Practices**

In addition to the practices described above to identify non-residents, verify residency of District residents and investigate tips, OSSE will also implement the following new practices:

- To prevent non-resident students from re-enrolling, OSSE will add a flag to the attendance tracker for students who have been identified as non-residents. Schools will then receive notice that the student is a non-resident and should not be enrolled in their school unless there is an available place and the non-resident student pays non-resident tuition.
- To ensure parents are using proper documentation<sup>3</sup> and alleviate some burden for parents of students who remain residents of the District and whose residency was verified by an LEA, establish data-sharing agreements with District agencies, such as the Office of Tax Revenue and the Department of Human Services, to verify residency for parents who consent to their information being shared between two agencies in this manner; and
- To ensure that the benefits of free pre-K education services are limited to District residents, OSSE will amend the enrollment audit to include both a distinct review of the documentation for 20 percent of the 3- and 4-year old population and a 20 percent sample of the overall school population for schools with a 3- and 4-year old population.

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<sup>3</sup> As shown in Appendix A, the list of documentation satisfactory to establish District residency does not vary significantly from neighboring jurisdictions, Fairfax County or Montgomery County, or Arlington County.

#### IV. Comments and Questions

OSSE looks forward to receiving your input on the ANPR. The public comment period is open from September 8, 2016 to October 24, 2016. Please submit your written comments by emailing: [ossecomments.proposedregulations@dc.gov](mailto:ossecomments.proposedregulations@dc.gov) with subject “ANPR – Residency Verification.”

Also, OSSE invites persons who wish to comment on the ANPR to testify at the stakeholder engagement session to be held at the Office of the State Superintendent of Education, 3<sup>rd</sup> Floor-Grand Hall, 810 1<sup>st</sup> Street NE, Washington, D.C. 20002 on September 22, 2016 from 1:00 p.m. to 2:00 p.m. Individuals wishing to testify at the stakeholder engagement session should contact Tiffany Oates, at 202-727-9882 or by e-mail at [Tiffany.Oates@dc.gov](mailto:Tiffany.Oates@dc.gov). Testimony will be limited to a total presentation time of three (3) minutes at each engagement session.

Finally, OSSE has provided responses to frequently asked questions about residency verification and investigations in Appendix B. For further questions, please submit your questions via email to [ossecomments.proposedregulations@dc.gov](mailto:ossecomments.proposedregulations@dc.gov) with subject “Question – Residency Verification for Public Schools and Public Charter Schools.”

*Enclosed:*

**Appendix A:** Comparison of Documentation Required to Establish Residency in Neighboring Jurisdictions

**Appendix B:** Frequently Asked Questions about Residency Verification and Investigations

## Appendix A: Comparison of Documentation Required to Establish Residency in Neighboring Jurisdictions

District of Columbia	Fairfax County	Montgomery County	Alexandria City <sup>1</sup>	Arlington County
<p>To establish residency, the person enrolling the student may submit <i>one</i> of the following items:</p> <p>(a) Proof of payment of District personal income tax, in the name of the person seeking to enroll the student, for the tax period closest in time to the consideration of District residency;</p> <p>(b) A pay stub issued less than 45 days prior to consideration of residency in the name of the person seeking to enroll the student that shows his or her District residency and evidence of the withholding of District income tax;</p> <p>(c) Current official documentation of financial assistance received by the person seeking to enroll the student, from the District Government including, but not limited to Temporary Assistance for Needy Families (TANF), Medicaid, the State Child Health Insurance Program (SCHIP), Supplemental Security Income (SSI), housing assistance, or other governmental programs;</p> <p>(d) Confirmation, based upon completion and submission of a tax information authorization waiver form, by the District Office of Finance and Revenue of payment of District income taxes by the person seeking to enroll the student;</p> <p>(e) Current official military housing orders showing residency in the District of the person seeking to enroll the student; or</p>	<p>Parents who reside with their child in a property that they own or lease generally should provide the original version of one of the following documents:</p> <ul style="list-style-type: none"> <li>• Deed of the parent’s house; Lease in the parent’s name signed by the rental management office or</li> <li>• A resident manager’s letter with company letterhead stating residence of parent.</li> </ul> <p>Parents who live with their child in a residence of someone else need to provide all of the following:</p> <ul style="list-style-type: none"> <li>• <a href="#">FCPS Student Registration Leaseholder or Homeowner Affidavit</a>;</li> <li>• <a href="#">FCPS Student Registration Residency Affidavit</a>;</li> <li>• Deed or lease of homeowner/leaseholder; <i>and</i></li> <li>• Three supporting documents in the parent’s name showing Fairfax County address, selected from the following list: <ul style="list-style-type: none"> <li>• Employment (current employer verification on company letterhead or current payroll stub)</li> <li>• Car document/ID (Virginia driver’s license, car registration, car insurance policy or bill or Commonwealth of Virginia identification card)</li> <li>• Utility bill (cell phone,</li> </ul> </li> </ul>	<p>If homeowner, a copy of your current property tax bill.</p> <p>If renter, a copy of your current (less than 1 year old) lease. If lease is more than 1 year old, a copy of your lease and a current utility bill.</p> <p>If living in shared housing, a notarized <a href="#">Shared Housing Disclosure</a> and either a copy of the current property tax bill of the homeowner or a copy of the lease of renter with whom student and parent are living and three other supporting documents. Supporting documents for shared housing must be in the name of parent/guardian at the address shown on Shared Housing Disclosure. Examples of acceptable supporting documents are W-2, current pay stub, income tax return, two consecutive bank statements, medical bills, car registration, car insurance policy/bill, current utility bill, current phone bill, voter registration card, INS application, government or official correspondence at residential address.</p>	<p>One of the following documents:</p> <ul style="list-style-type: none"> <li>• Original and Current (within two months) mortgage statement containing the names of parent(s)/ guardians(s); or</li> <li>• Proof of home ownership in Alexandria City that includes the names of parent(s)/ guardians(s)</li> <li>• Original and Current (within two months) lease signed by lessor and lessee or tenant and landlord to show that the parent/guardian resides in Alexandria City; or</li> <li>• Current receipt for rent at the address being used for registration that includes the names of parent(s)/ guardians(s)</li> </ul> <p><i>And</i> one of the following documents:</p> <ul style="list-style-type: none"> <li>• Current utility bill (water, gas, electric, cable, or landline phone) or</li> <li>• Recent personal property tax bill or receipt.</li> </ul> <p>Or, an <a href="#">affidavit</a> from the parent/guardian showing that the student resides in Alexandria, and an affidavit from the owner or lessee of the residence where the student is staying declaring that a family and student reside in Alexandria City. Forms are only valid for six months and must be re-filed within five days of expiration or the student shall be withdrawn from Alexandria City Public Schools. The resident’s mortgage or lease agreement must accompany all Forms.</p>	<p>One of the following documents:</p> <ul style="list-style-type: none"> <li>• A complete, current mortgage agreement or deed showing that the parent/guardian owns a home and resides in Arlington County;</li> <li>• A complete, current lease signed by lessor and lessee or tenant and landlord to show that the parent/guardian resides in Arlington County; or</li> <li>• A complete, current affidavit from the parent/guardian showing that the student resides in Arlington, and an affidavit from the owner or lessee of the residence to show that a family and student reside with them in Arlington County. Forms are only valid for one year and must be re-filed within five days of expiration or the student shall be withdrawn from Arlington County.</li> </ul> <p>In cases where there are questions regarding residency, additional documents shall be requested. They may include: current federal, state and/or property tax returns, documentation of financial assistance from Arlington County, current withholding statements, vehicle registration showing parent’s name, or current utility bill (within thirty days of enrollment date).</p>

<sup>1</sup> This is the residency verification process of Kindergarten students and new students in all other grades. Residences of continuously enrolled students are verified by registrars in their review of current information/emergency data submitted by parents to the school by September 30.



<p>(f) A currently valid court order indicating that the student is a ward of the District.</p> <p><b>OR</b>, the person enrolling the student may submit <i>two</i> of the following items:</p> <p>(a) A current motor vehicle registration in the name of the person seeking to enroll the student and evidencing District residency;</p> <p>(b) A valid unexpired lease or rental agreement in the name of the person seeking to enroll the student, and paid receipts or canceled checks (for a period within 2 months immediately preceding consideration of residency) for payment of rent on a District residence in which the student actually resides;</p> <p>(c) A valid unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the person seeking to enroll the student; and</p> <p>(d) Utility bills (excluding telephone bills) and paid receipts or cancelled checks (from a period within the 2 months immediately preceding consideration of residency) in the name of the person seeking to enroll the student that show a District residence address.</p>	<p>internet, gas, water, electricity, cable or telephone)</p> <ul style="list-style-type: none"> <li>• Tax document (current income tax form 1099, withholding form W-2)</li> <li>• Official correspondence (bank statements, Department of Family Services, medical bills, Housing Choice Voucher, U.S. government issued document or other county/agency correspondence)</li> </ul>			
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## Appendix B: Frequently Asked Questions

OSSE has received a number of questions about residency verification and investigation and presents both the questions and responses to the questions below:

### *Residency Verification:*

**1. Why doesn't the District collect residency information on its own, without relying on parents to bring in paperwork?**

Under the Advanced Notice of Proposed Rulemaking (ANPR), students who remain residents of the District and whose residency was verified by an LEA will have the option of giving OSSE consent to go directly to other agencies on their behalf to verify residency information such as the Office of Tax and Revenue and Department of Human Services. This automated process will facilitate independent verification of residency, and investigations, streamlining paperwork for families of returning students and reducing burden on families and local education agencies (LEAs).

**2. Does the ANPR require additional documentation to verify residency? Can the documentation requirements be changed?**

While only the Council for the District of Columbia has the authority to amend the list of the acceptable documents set forth in D.C. Code § 38-309, the ANPR provides additional clarity regarding residency verification to support a rigorous process

**3. Are pre-Kindergarten (pre-K) programs treated the same as compulsory education grades (i.e. K-12) in terms of proof of residency requirements?**

Currently, requirements for pre-K students are the same as requirements for K-12 students. However, under the ANPR, students in pre-K programs will have to provide residency verification documentation in person each year, rather than using more automated methods.

**4. Does DC require less documentation or different documentation than other jurisdictions?**

The list of documentation needed to establish DC residency does not vary significantly from neighboring jurisdictions, Fairfax County or Montgomery County, or Arlington County. *See Appendix A* for details regarding each jurisdiction's requirements.

**5. How will you stop a parent from re-enrolling in a different District school if the parent is found to have committed residency fraud at another school?**

To prevent students who are found to have committed residency fraud from re-enrolling at another school, OSSE will add a flag to the attendance tracker used by LEAs and schools to enroll students for students who have been identified as non-residents. Schools

will receive notice through the system that that the student is a non-resident who has been found to have committed residency fraud and should not be enrolled in their school.

**6. Have you considered making residency verification a city-wide process, rather than having it implemented at the school/LEA level?**

Currently, DC law related to residency verification does not permit residency verification to occur at the city-wide level. Rather, D.C. Code § 38-309(a) requires that documents used to verify residency must be delivered to the school.

**7. Can you verify any documentation independently via data-sharing, to prevent submission of fraudulent documents?**

OSSE is currently working to establish data-sharing agreements with District agencies, such as the Office of Tax Revenue and the Department of Human Services, to verify residency for parents who consent to their information being shared between two agencies in this manner.

**8. May a non-resident attend a DC school?**

A non-resident may attend a DC public school or public charter school if the following two conditions are met:

- There are no DC residents on the school's waiting list; and
- Tuition is paid to the District of Columbia on behalf of the non-resident student.

***Residency Investigation:***

**9. What is residency fraud and how can it be reported?**

Students who are residents of the District of Columbia are entitled to a free public education in DC public schools or public charter schools. Non-residents are required to pay tuition to attend such schools. Residency fraud occurs when a person knowingly supplies false information in connection with a student's residency verification.

Residency fraud can be reported in two ways:

- Calling the Student Residency Fraud Prevention Hotline at (202)-719-6500; or
- Submitting information via the Student Residency Fraud Tip Online Submission Form.

**10. Does OSSE manage residency investigations for both DCPS and Public Charters?**

Currently, OSSE only manages investigations for public charter schools. DCPS manages all of their own residency fraud investigations. However, beginning October 1, 2017, residency verification and investigations for both DCPS and public charter schools will be the sole and exclusive responsibility of OSSE.

**11. Are you making any changes to the process for investigating and reviewing allegations of residency fraud? Why does it take so long?**

Currently, OSSE is working with the Office of Administrative Hearings to address the contested residency cases. However, under the ANPR, OSSE's Office of Dispute Resolution will have authority to hear contested residency cases, which is expected to reduce the length of time needed to address contested residency cases, while preserving family's due process rights.

**12. May a student stay in school while under residency investigation?**

Yes, students can remain in school until a final residency determination has been made. In all contested residency cases, currently enrolled students have the right to continue to attend school without prepayment of tuition, pending the final administrative decision regarding the investigation.

**13. What happens after an allegation of residency fraud is reported?**

A residency investigation begins when school staff, community members, or other concerned stakeholders submit a tip of suspected residency fraud. Once a tip is received, an investigation is initiated to gather information regarding the student's residency. Once that information has been gathered and examined, a proposed finding of non-residency is issued to the student's caregiver on file (or the adult student) if the investigation and relevant student documents reveal that the student may not be a resident. The student's caregiver (or the adult student) is then provided with an opportunity to contest the proposed non-resident finding and any underlying fraud allegations.

**14. How are non-resident tuition funds used?**

Pursuant to D.C. Code § 38-312, all money recouped from non-resident student tuition and fees or from any payments collected pursuant to residency verification or investigation is deposited into the Student Residency Verification Fund, which shall be "used solely to fund enforcement activities concerning student residency and primary caregiver status verification."

**15. If a parent has been found to have filed fraudulent paperwork, does DC immediately exclude the student from school?**

Pursuant to D.C. Code § 38-312 and the ANPR, once a final administrative decision is issued that the person seeking to enroll the student is found to have knowingly supplied false information to a public official, the person seeking to enroll the student shall be subject to charges of non-resident tuition retroactively. An LEA is not required to immediately exclude the student from the school, provided the student pays the required

tuition. However, if the non-resident student does not want to pay tuition, the non-resident student may withdraw from the school.

Additionally, under the ANPR, if a current non-resident student is delinquent in paying non-resident tuition for a period of ninety days or more, OSSE may exclude the non-resident student from attending a District public school based on non-payment.

**16. If the District alleges that I may have used a false address, can I challenge the decision?**

Yes, parents may contest the residency fraud finding. Parents may request the investigation report and other documentation that served as the basis for the proposed non-resident finding. Parents may also request an administrative review process in which they may present evidence supporting their claim of residency and a neutral third-party assists in resolving the residency dispute.

**Common Residency Challenges**

**17. What happens in the case where someone rents an apartment in DC, but actually lives in Maryland?**

Under the ANPR, someone rents an apartment in DC, but actually lives in Maryland would not be considered a resident of the District. The ANPR defines a resident as one who as established both a legal presence and a physical presence in the District. While the rental agreement may demonstrate legal presence, they would not be able to demonstrate physical presence since they actually live in Maryland.

**18. I live outside of Washington, DC but I also own property in the District. Can I use my Washington, DC address to enroll in DC schools since I pay taxes in the District?**

Under the ANPR, an individual who owns property in the District, but is not physically present in Washington, is not considered a resident. The ANPR defines a resident as one who as established both a legal presence and a physical presence in the District. While the proof of payment of property tax may demonstrate legal presence, the individual would not be able to demonstrate physical presence, since he or she lives outside of the District.

**19. May parents use the address of a family member or friend to register their child in a DC school?**

No, parents may not use another individual's address to enroll their child in DCPS or a public charter school in the District.