



District of Columbia
Office of the State Superintendent of Education

Non-Resident Student Review and Findings: 2023-2024 School Year

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I. Executive Summary

District laws and regulations require that District residents have the first right to attend District schools. If there is space remaining, then non-resident families can attend if they pay tuition. The Office of the State Superintendent of Education (OSSE) serves a critical function in residency verification, the collection of non-resident tuition, and the investigation of suspected non-residency. OSSE focuses on keeping our schools open and accessible to DC residents first and foremost. D.C. Official Code § 38-301 *et seq.* establishes a residency verification process for students attending a public or public charter school in the District of Columbia (“District”). Verification of residency allows District residents to take priority in accessing schooling in the District and safeguards taxpayer dollars.

The purpose of this report is to provide the status of residency investigations and the levying and collection of retroactive tuition pursuant to D.C. Official Code § 38-312.03. This report also describes the processes and systems in place that provide the basis for an investigation. Additionally, this report provides updates on the amount of tuition collected from non-resident students.

For the 2023-2024 school year, OSSE initiated investigations for 161 cases – 93 of which were closed following an investigation in which students were determined to be District residents or non-residents. As of August 7, 2024, 68 cases remain open. Investigations always include communication with the family regarding the allegation or a proposed resolution from the Office of Administrative Hearings (OAH) if the non-residency finding was appealed.

Additionally, for the 2023-2024 school year, 53 non-resident students enrolled in District public or public charter schools, signed tuition agreements, and were assessed tuition totaling \$848,600.64. As of August 7, 2024, OSSE has collected \$845,068.12, resulting in an outstanding balance of \$3,532.52. Non-resident students who do not complete their 2023-2024 school year tuition payments by July 15 are excluded from attending a District public or public charter school for the 2024-2025 school year, and the remaining outstanding balance is referred to the Office of the Chief Financial Officer (OCFO) Central Collections Unit for further collection attempts.

During the 2023-2024 school year, two critical full-time positions within the Office of Enrollment and Residency (OER) at OSSE remained vacant: the Director of OER and an Investigator position. These positions are critical to helping support the review and closure of residency cases received by OSSE. As a result, OSSE experienced a decrease in the number of residency cases that were closed. OSSE is committed to expeditiously filling these roles and resolving all open cases.

II. Background

OSSE is responsible for ensuring that public and public charter schools in the District of Columbia are accessible to District residents first. These responsibilities include enforcing residency requirements and investigating a student’s residency status. Pursuant to D.C. Official Code § 38-308 and 5-A DCMR § 5000 *et seq.*, students must establish and annually verify residency in the District in order to attend a District of Columbia Public School (DCPS), a District public charter school, or any other school providing educational services funded by the District tuition-free. In order to qualify for a free public education, students must establish bona fide residency in the District of Columbia. A person is a bona fide resident if the individual can demonstrate compliance with all three of the following requirements:

- (1) If anyone other than the parent is enrolling the student, establish that they are the valid guardian, custodian, or other primary caregiver, as set forth in 5-A DCMR § 5000 *et seq.* and specifically

defined in 5-A DCMR § 5099, with proper documentation, such as a custody order, or an “other” primary caregiver form;

- (2) Establish a physical presence in the District, defined as the “actual occupation and inhabitation of a place of abode with the intent to dwell for a continuous period of time” in 5-A DCMR § 5099; and
- (3) Submit valid and proper documentation that establishes bona fide residency as set forth in 5-A DCMR § 5004.

If a seat in a school is made available to a non-resident student, the non-resident is required to make payment arrangements for the non-resident tuition owed for the school year. Non-residents enter into tuition agreements with OSSE at the start of the year. Tuition is either paid in full or on a payment schedule over the course of the school year, with all outstanding balances due no later than July 15.

OSSE may issue a finding that a student is a non-resident of the District of Columbia based on the information gathered from an investigation or the annual enrollment audit, during which residency verification documents are reviewed. A non-residency determination does not become a final agency decision until families are notified and provided an opportunity for administrative review to challenge the determination before the OAH. If administrative review is requested, the identified student may remain enrolled at the school until OAH issues a final administrative decision.

III. Process and Systems

OSSE identifies non-residents primarily through two processes—the annual enrollment audit and the residency tip program.

(A) Enrollment Audit

OSSE is required to collect and verify student enrollment counts and residency status, pursuant to D.C. Official Code § 38-1804.02, to evaluate the accuracy of the student enrollment count for all publicly funded schools or community-based organizations (CBO), as well as for students enrolled in “nonpublic schools” or those special education students whose tuition for enrollment in other schools is paid for by the District of Columbia.

The enrollment audit includes a residency verification component to ensure that all enrolled students are either residents or tuition-paying non-residents. Annually, schools are required to verify student residency in the District by obtaining a signed DC Residency Verification Form (DCRV) and determining whether the supporting documentation submitted by families to demonstrate residency in the District sufficiently meets the requirements set forth in the law, regulations, and OSSE policy. Additionally, OSSE requires schools to maintain residency supporting documentation for all enrolled students.

During the audit, auditors conducted a virtual documentation review of all 70 local education agencies (LEAs) including a review of: (1) 100 percent of enrolled students’ DCRVs; and (2) an inspection and assessment of residency supporting documentation for a 20 percent sample of the student population at each school whose residency was not verified through direct data exchanges between OSSE and other government agencies. If a school’s sample failed to show adequate supporting residency documentation, auditors conduct a 100 percent review of the supporting residency documentation for students in the population group (pre-kindergarten, kindergarten to 12th grade, or adult) that had not been previously verified. In the 2023-2024 school year, 155 schools examined by OSSE underwent at least one full review of their student body’s residency information for at least one population group within the student body.

For more detail on the 2023-2024 school year enrollment audit data and more detail on the audit process, refer to OSSE's [Audit and Verification of Student Enrollment for the 2023-24 School Year](#) report, dated April 2024.

Auditors flag supporting residency documentation that complies with statutory requirements but may have been altered or illegitimate. These cases are referred to OSSE non-resident investigators for follow up and further inspection.

(B) Residency Tip Program

OER also oversees the residency tip program. A tip may be submitted in several ways: the OSSE tip hotline, both [online](#) and via telephone at (202) 719-6500; partner agencies investigating individuals for other matters (e.g., Medicaid fraud); and other sources such as letter mail, email, or in-person communications with OER.

(C) Investigations

An investigation of non-residency can be initiated by any person submitting a tip. Upon receiving a tip, OSSE assigns a case number and reviews it for sufficiency of information provided. For example, some tips come in without sufficient information to conduct an investigation (e.g., providing a first name but no last name). If there is sufficient information to proceed, the case will be assigned to an investigator. In addition, investigation referrals can also come from the enrollment audit as described above.

OSSE investigations may include up to five phases:

- (I) Case creation and review;
- (II) Electronic investigation and collection of available and relevant documents;
- (III) Interviews with the family and submission of additional documentation by the family;
- (IV) Field investigations and home visits; and
- (V) Final review.

During phases I and II, OSSE investigators will request enrollment and residency documents from the school and review available information from various electronic databases. After these actions are taken, OSSE makes a determination as to whether or not to move forward based on the information it has collected. The investigator evaluates the evidence and ascertains the following in making a determination of non-residency:

1. Confirm that the enrolling person was eligible to enroll the student and that the enrolling person is a DC resident; or
2. If the enrolling person was not eligible to enroll the student, or they were not a DC resident, confirm that no persons eligible to enroll the student are DC residents; and
3. Confirm that the eligible enrolling persons that are DC residents were DC residents for the entirety of the school year being investigated.

If an eligible enrolling person was a DC resident during the school year being investigated, OSSE will determine the student is a District resident and close the case. If eligibility or residency cannot be confirmed, OSSE moves to phase III and reaches out to the family involved in the case to request the family provide specific additional documentation or explanation through an interview. This phase provides the family the opportunity to provide additional information that may not have been available at the school level or through electronic investigation. If the information is sufficient, OSSE will determine the student is a District resident and close the case.

In instances when sufficient documentation cannot be gathered from the school, electronic investigation, or the family, OSSE moves to phase IV and may request a home visit or conduct fieldwork. If eligibility and residency are still not confirmed, OSSE notifies the parent/guardian, adult student, or other primary caregiver in writing of the finding of non-residency and the administrative review process. The parent/guardian, adult student, or other primary caregiver may request a hearing with the OAH.

IV. Status of Investigations for 2023-2024 School Year

For the 2023-2024 school year, OSSE investigated, or is continuing to investigate, 161 cases of alleged non-residency. Cases focus on the enrolling person and can include, within a single case, multiple students who are siblings and attend multiple LEAs. Of the 161 cases that were investigated over the course of the 2023-2024 school year, 115 were a result of a tip referral, four were audit referrals, and 32 were referrals from partner agencies. Tip referrals almost always involve cases where the supporting residency documentation submitted at the time of enrollment was complete but may not represent the person's true residence according to information provided by the person submitting the tip. Audit referrals involve cases where supporting residency documentation was found to be complete but flagged by auditors as potentially altered or illegitimate. LEAs are not funded for students with incomplete supporting residency documentation. Of the 161 cases, 68 remain open, and 93 are closed.

Reporting per DC Code

Pursuant D.C. Official Code § 38-312.03, reporting of non-resident investigations is required by each LEA. In the table below, a single case involving related students is counted at each attending LEA and can be counted as both a DCPS case and a public charter schools case if the students are attending schools in both sectors. Table 1 reflects the sum of the individual students investigated in each LEA. Therefore, while there were 161 cases over the course of the 2023-2024 school year, Table 1 includes 286 cases, as there were 68 instances where one case included at least two students at more than one LEA. This is why the total case count of 161 used in this report is less than the 286 student cases and 182 LEA cases reported in the table. The cases in Table 1 include all grades from pre-K 3 to adult. As displayed in Table 1, the status of the investigation could be one of the following:

- **Open:** These cases are currently being investigated by OSSE or are going through the appeals process. Appealed cases occur after OSSE has issued a Notice of Finding. When appealed, these cases are referred to OAH. These cases will continue through the OAH administrative process for formal mediation and a hearing.
- **Closed - Resident:** These cases were investigated, and the student was determined to be eligible to attend as a resident.
- **Closed - Non-resident:** These are cases where OSSE issued a Notice of Finding of Non-Residency and it was either uncontested, the persons conceded, or, if appealed, OAH decided through a formal hearing that the persons were non-residents.
- **Withdrawn:** These cases involve students enrolled for very short periods of time who withdrew before an investigation could be conducted.
- **Duplicate:** These cases involved tip submissions on the same student within the same school year. Duplicate cases are removed from investigation.

Table 1: SY23-24 Cases Resulting from Tips and Enrollment Audit Referrals by LEA (as of August 7, 2024)

LEA	Student Count	LEA Case Count	Open	Closed			
				Resident	Non-resident	Duplicate	Withdrawn
District of Columbia Public Schools	156	96	37	35	1	12	11
AppleTree Early Learning Public Charter School (PCS)	2	2	2	-	-	-	-
Capital City PCS	6	4	3	1	-	-	-
Center City PCS	4	3	2	-	-	1	-
DC Bilingual PCS	2	1	1	-	-	-	-
DC Prep PCS	10	6	4	2	-	-	-
DC Scholars PCS	5	2	1	1	-	-	-
District of Columbia International School	5	5	2	-	-	3	-
E.L. Haynes PCS	2	1	-	-	-	-	1
Friendship PCS	24	12	3	3	-	6	-
Hope Community PCS	5	4	-	2	-	1	1
Howard University MS of Mathematics and Science PCS	1	1	-	1	-	-	-
IDEA PCS	1	1	1	-	-	-	-
Ingenuity Prep PCS	2	1	-	1	-	-	-
KIPP DC PCS	10	6	5	-	-	-	1
Latin American Montessori Bilingual PCS	1	1	-	1	-	-	-
Mary McLeod Bethune Day Academy PCS	2	1	1	-	-	-	-
Meridian PCS	3	2	-	1	-	1	-
Paul PCS	6	5	1	4	-	-	-
Perry Street Preparatory PCS	1	1	1	-	-	-	-
Richard Wright PCS for Journalism and Media Arts	2	1	1	-	-	-	-
Rocketship DC PCS	2	2	1	-	-	-	1
SEED PCS of Washington, DC	1	1	-	1	-	-	-
Shining Stars Montessori Academy PCS	7	4	-	1	-	1	2
St. Coletta Special Education PCS	2	2	1	1	-	-	-
Thurgood Marshall Academy PCS	3	1	-	1	-	-	-
Two Rivers PCS	4	4	1	-	-	3	-
Washington Leadership Academy PCS	1	1	1	-	-	-	-
Unknown	16	11	7	1	-	-	3
DCPS Subtotal	156	96	37	35	1	12	11
Charter Subtotal	114	75	32	21	-	16	6
Total	286	182	76	57	1	28	20

V. Non-Resident Tuition Collection

Non-residents must pay tuition to attend public or public charter schools in the District of Columbia. Table 2 below shows the data pertaining to assessed tuition amounts because of a non-residency investigation. From August 8, 2023, through August 7, 2024, OSSE imposed retroactive tuition charges on 23 students. The tuition charges totaled \$430,388.23 and were referred to the OCFO Central Collections Unit for collection. Current active cases from the 2023-2024 school year may result in additional retroactive tuition charges in the future.

Table 2: SY 23-24 Non-Resident Tuition Assessed from Non-Residency Investigation

LEA	Number of Students	Total Tuition Assessed
District of Columbia Public Schools	18	\$317,361.23
Friendship PCS	1	\$15,932.00
KIPP DC PCS	2	\$35,590.00
Rocketship PCS	1	\$6,458.00
Washington Leadership Academy PCS	2	\$55,047.00
Total	23	\$430,388.23

Table 3 below shows data pertaining to the collection of tuition for non-residents under tuition agreements. Because of their non-resident status, 53 students were assessed tuition in the 2023-2024 school year. The total amount of tuition assessed was \$848,600.64. As of August 7, 2024, OSSE collected \$845,068.12, resulting in an outstanding balance of \$3,532.52. Families who do not pay in full cannot enroll their student for the following school year, and the remaining balance is referred to the OCFO Central Collections Unit for collection.

Table 3: SY 23-24 Non-Resident Tuition Assessed, Collected, Outstanding Balance

LEA	Number of Students	Total Tuition Assessed	Total Tuition Received	Balance Owed (as of Aug. 7, 2024)
District of Columbia Public Schools	52	\$827,496.64	\$823,964.12	\$3,532.52
KIPP DC PCS	1	\$21,104.00	\$21,104.00	\$-
Total	53	\$848,600.64	\$845,068.12	\$3,532.52

VI. Conclusion

OSSE remains committed to ensuring District schools remain accessible first and foremost to District of Columbia residents. We will continue to take steps to improve our practice, and look forward to working with schools, families, and the community to further improve our residency efforts.