



Office of the State Superintendent of Education

Appeals Process for Proven Nonresident Students

SY 2013-2014

This document outlines the appeals process for students that are proven to be non-resident. Please use this information to support your process of withdrawing students based on non-resident findings.

Proven Nonresident Students

LEAs are required to collect nonresident tuition and depending on the circumstances, may have to take steps requiring the student to withdraw from the school as well. The District's law encourages schools to use consistent methods to determine residency status facilitating enrollment of all eligible students.

Students believed to be nonresidents should not be un-enrolled from school or charged nonresident tuition until the LEA has first provided the adult student or the minor student's parent or caregiver with a notification about non residency and an opportunity to appeal the nonresident finding. The Office of the State Superintendent of Education (OSSE) recognizes that a number of LEAs have a review and hearing process in place. As the state education agency (SEA) for the District of Columbia, OSSE provides the following guidance in response to LEA requests and to enhance consistency and fairness across the District.

The District of Columbia Nonresident Tuition Act of 1960 (the "Act"), found in the D.C. Official Code Title 38, Chapter 3, requires all students receiving a free education paid for by the District of Columbia to provide proof of residency in the District annually or pay non-resident tuition.¹ A student's residency status may be established by providing documentation as required under D.C. Official Code § 38-309(a) and (b), by conducting a home visit pursuant to D.C. Official Code § 38-309(c), through procedures established under D.C. Official Code § 38-311, or through other means approved by OSSE for exceptional circumstances. This process and required documentation are discussed in further depth in OSSE's Enrollment Handbook.

Every school year, the residency status of each student must be established by the October deadline or within 10 days of the time of initial enrollment, whichever occurs later.² The fact that a parent or caregiver of a student has provided satisfactory evidence of residency does not prevent a school, a chartering authority or OSSE from later establishing by information and other evidence that the student is not in fact a District of Columbia resident.³ Schools and LEAs must require payment of nonresident tuition from such students, and may remove the non-resident student.

Prior Written Notice

In a case where a school seeks to un-enroll a student on the grounds that the student is not a resident of the District of Columbia for purposes of tuition-free instruction, the school or LEA must first provide the adult student or minor student's parent or caregiver with prior written notice of the proposed action and an opportunity to prove the student is a resident. The LEA should also send a copy of the written notice to osse.enrollmentaudit@dc.gov

Schools and/or LEAs are encouraged to include the following information in the prior written notice:

- The basis for the school's finding that the student is a nonresident (for example, an investigation, a home visit, or failure to provide required residency documentation);
- A statement that the parent, caregiver or the adult student has ten (10) school days from the date of the prior written notice to respond to the school or LEA to request an administrative review of the student's residency;
- A statement explaining that the nonresident finding will become final and the student will be un-enrolled from school within ten (10) school days after the date of the prior written notice unless the LEA requests for an administrative review by the ten day deadline;
- An opportunity for the student to remain at the school, provided that the school does not have a resident student at the same grade level on the school's waiting list and that nonresident tuition is paid on behalf of the student for the current school year;
- A statement explaining that the student may remain enrolled at the school until a final decision is made, either through the administrative review process or through the school where the parent, caregiver or adult fails to request an administrative review by the ten day deadline;
- A statement that all nonresident students are required to pay nonresident tuition and in the event the student is voluntarily or involuntarily un-enrolled from school, the District may take action to collect a pro-rated amount of the student's nonresident tuition reflecting the student's time at the school if arrangements have not already been made with the school to pay the amount.

Nonresident Findings

Schools and LEAs should report the outcome of the hearing to OSSE, including arrangements as appropriate for payments of nonresident tuition. Depending on the circumstances of a given case, OSSE may seek further information from the school or LEA and refer the matter to the Office of Attorney General for further action.

Technical Assistance

OSSE provides ongoing technical assistance to schools and LEAs during the enrollment process and throughout the school year. For further assistance please contact:

Office of Grants Management and Compliance
Office of the State Superintendent of Education
Osse.enrollmentaudit@dc.gov

¹ D.C. Official Code § 38-306.

² D.C. Official Code § 38-308(a).

³ D.C. Official Code § 38-312.