



District of Columbia  
Office of the State Superintendent of Education

**REPORT ON RESIDENCY  
INVESTIGATION AT DUKE  
ELLINGTON SCHOOL OF THE ARTS**

May 2018

## Executive Summary

As the District of Columbia's state education agency, the Office of the State Superintendent of Education (OSSE) works to ensure that all District students and families have equitable access to education options. We recognize that an important part of this work is a robust system of compliance and enforcement to ensure that public schools in the District, including DC Public Schools (DCPS) and public charter schools, are available, first and foremost, to bona fide residents of the District. Verifying residency is an important requirement to protect District taxpayers and resources. A system of compliance and enforcement must include efficient residency verification and investigation processes that can be implemented with fidelity while also protecting vulnerable populations and ensuring DC families are able to access DC schools.

As part of its increased focus on residency fraud enforcement, between October 2017 and April 2018, OSSE conducted a rigorous investigation of all enrollment and residency records at Duke Ellington School of the Arts (Ellington). OSSE's annual enrollment audit includes on-site visits to all public schools, both DCPS and public charter schools, as well as publicly funded pre-Kindergarten programs in community-based organizations. Based on concerns encountered during OSSE's routine, on-site visit to Ellington during the enrollment audit, OSSE took custody of 570 student files and launched a further investigation, above and beyond the annual audit process, specifically into the school.

OSSE's investigation revealed significant and systemic issues of non-compliance with the requirements of residency verification at Ellington. Based on this investigation, OSSE has deemed a total of 164 of the 570 investigated students to be non-residents, without tuition agreements in place. A total of 56 students remain under investigation, as the information obtained about their actual place of residence is thus far inconclusive. An additional 46 students were found to be non-residents with existing tuition agreements with the District. A total of 304 students were confirmed as DC residents.

Based on a review and investigation of enrollment forms, student files maintained by the school, and publicly available electronic records, a substantial portion of the students deemed non-residents had documents on file that raise concerns regarding their authenticity and the veracity of the information provided therein. OSSE identified several trends among the 164 non-resident student files, including:

- Apparently falsified or inauthentic documents. Files included documents such as leases, receipts of rental payments, and paycheck stubs that appeared to be falsified or fabricated. Credible evidence obtained during investigation further indicates that these families actually reside in other jurisdictions, while their enrollment and residency verification forms list DC addresses that do not belong to them.
- Apparently sufficient documents with indication of non-residency revealed by investigation. Files contained enrollment and residency verification forms that are sufficient on their face, but further investigation revealed that the enrolling parents or guardians do not reside at addresses supplied. Credible evidence obtained during investigation revealed that these parents or guardians have no

connection to the addresses listed on their enrollment and residency verification forms, and that they actually reside in other jurisdictions.

- Enrolling parent's use of a non-parent's address to verify residency. Files listed a DC address for the enrolling parent or guardian to establish District residency, however, further investigation revealed that these individuals reside in other jurisdictions and the addresses provided belong to family members such as grandparents or aunts.

The remaining 56 student files that are still under investigation included documents that provided no conclusive indication of residency outside the District, but also generally did not comply with legal requirements. It is important to note that a finding of non-residency has not been made with regard to these files. Concurrent with the release of this report, OSSE has notified these families of the investigation and provided them with an opportunity to verify District residency before making any findings of non-residency.

There are two main conclusions to draw from this audit. First, a disproportionate number of families provided what appears to be false information when enrolling students in Ellington. Second, the volume of records that were incomplete or otherwise inadequate to prove residency indicates, at minimum, a significant lack of oversight and internal controls at the school.

As a result of this investigation, OSSE is referring the 164 cases of student non-residence to the Office of the Attorney General, and is providing all of its case documentation and investigative outcomes for these files to the Office of the Inspector General for further investigation of Ellington. OSSE is also following up with the families of the remaining 56 students, and following an opportunity to provide additional residency documentation, each individual case may be subject to a non-residency finding and referral to OAG.

OSSE is also issuing a corrective action plan to DCPS and Duke Ellington School of the Arts, which will require improved internal controls, training, and a plan for staff independent of Ellington to oversee residency verification and enrollment for the 2018-19 school year, in addition to requiring verification of 100 percent of all residency documentation at Ellington for the next five years at the time of the annual enrollment audit.

## Background

As the District of Columbia's ("District") state education agency, the Office of the State Superintendent of Education (OSSE) works to ensure that all District students and families have equitable access to education options. We recognize that an important part of this work is a robust system of compliance and enforcement to ensure that public schools in the District, including DC Public Schools (DCPS) and public charter schools, are available, first and foremost, to bona fide residents of the District. Verifying residency is an important requirement to protect District taxpayers and resources. A system of compliance and enforcement must include efficient residency verification and investigation processes that can be implemented with fidelity while also protecting vulnerable populations and ensuring DC families are able to access DC schools.

Pursuant to section 3(b)(3) of the State Education Office Establishment Act of 2000 (D.C. Official Code § 38-2602(b)(3) (2012 Repl. and 2016 Supp.)), OSSE is responsible for establishing the rules for the verification of District residency for public and public charter school students, with the approval of the State Board of Education (SBOE), pursuant to section 403(a)(10) of the Public Education and Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(10) (2012 Repl. and 2016 Supp.)).

In order to improve its compliance and enforcement systems, OSSE promulgated new regulations (found at 5A DCMR §5000, *et seq.*) on March 31, 2017, with the approval of SBOE and the DC Council, with the intention of improving its approach to residency verification, detection and investigation of potential fraud, while also streamlining requirements for schools and families where possible and ensuring protections for vulnerable student populations. OSSE also assumed responsibility for all residency investigations at public schools in the District; previously, DCPS had responsibility for DCPS investigations. These regulations went into effect for the 2017-18 school year.

Residency verification in the District begins at the school. It is the responsibility of each school and local education agency (LEA) to collect accurate documentation to verify residency of students at the time of enrollment. OSSE supports and oversees residency documentation in schools in these three ways:

- **Training and Tools for Residency Verification:** When students enroll at the start the school year, their parents or legal guardians [submit a robust set of documentation and information to the school that meets the legal requirements of proving District residency](#). If they are not DC residents, families must pay tuition. To support schools in serving families, OSSE provides residency verification forms, as well as training, guidance and technical assistance for school and LEA staff regarding how to properly conduct residency verification.
- **Audit of Student Files at Schools:** OSSE is required to collect and verify student enrollment counts pursuant to District of Columbia Official Code § 38-1804.02 to evaluate the accuracy of the fall student enrollment count for all publicly funded schools. The annual enrollment audit of public

schools (both DCPS and public charter schools) takes place in the fall of each school year and includes an audit of residency verification documentation.

In the 2017-18 school year, OSSE increased focus on residency verification during the enrollment audit. The sample size for the review of supporting residency documentation increased from 10 to 20 percent of a school's student body, after removing those students whose residency had already been verified through direct data feeds from other District government agencies. If a school's sample failed, auditors moved directly into a 100 percent review of all student residency records that had not been previously verified. In the 2017-18 year, 47 schools and publicly funded pre-Kindergarten community-based organizations examined underwent full reviews of their entire student body's residency information.

Following the release of the enrollment audit report, OSSE may additionally follow up directly with individual LEAs regarding any anomalies discovered in enrollment or residency verification practices during the enrollment audit process that which should be addressed in the next school year.

- **Residency Fraud Investigations:** OSSE generally learns of residency fraud in two ways – through residency verification reviews during the annual enrollment audit, or via direct tips. Investigations of non-residency allegations can be initiated by any person submitting a tip through the OSSE residency fraud hotline online and via telephone; partner agencies investigating individuals for other fraud matters (e.g., Medicaid fraud) or sharing complaints received from the public relating to student residency fraud; and other sources such as the mail, email, or in-person communications with OSSE's Office of Enrollment and Residency.

It should also be noted that in all public schools in DC, non-residents are allowed to enroll in the school if no other District residents are on the waiting list and if they enter into a tuition payment agreement and continue to comply with such agreement. For families that have been identified at the school level as non-residents, OSSE handles the execution and implementation of tuition agreements once a school refers these families to OSSE for tuition payment. Tuition is assessed based on the Uniform Per Student Funding Formula (UPSFF), which is the District's funding formula for public schools. Payments can be made up-front, or on monthly or quarterly payment plans; however, students whose families' payments are delinquent for 90 days or more are required to un-enroll from school, and all tuition must be collected by July 15 if a student wishes to enroll or re-enroll for the following school year (5A DCMR §5007).

## Investigation Procedures

Title 5-A DCMR §5001.5 provides a definition of residency for the purposes of school enrollment that requires the following: (a) The person has established a physical presence in the District of Columbia; and (b) The person has submitted valid and proper documentation in accordance with further subsections of the residency rules.

The purpose of a residency investigation by OSSE is to determine the student's residency status, not to determine fraudulent intent or undertake a criminal investigation. All investigations conducted by OSSE's Office of Enrollment and Residency are administrative in nature.

Residency investigations may be initiated through findings in the enrollment audit, or through tips made via email, in-person, by phone to OSSE's tip line and through the [OSSE website](#). All cases received are assigned a tracking number and they are entered into the tip tracking system. Below are the main procedures to complete an investigation.

1. Investigation Initiation: Once a case is determined to have enough information to be investigated, a case file is created and an investigator is assigned.
2. School Records Requests: OSSE requests student records from the school(s) that the student attends. Schools must supply the documentation within 5 business days.
3. Electronic Investigation: Electronic investigation consists of gathering student, parent, and property information from publicly available websites. Electronic data gathering includes, but is not limited to: obtaining records from the courts, utility billings, tax and revenue documents, property information, and driver's license information. If the electronic evidence gathered points to a family residing outside of the District, additional investigation may be conducted, including but not limited to home visits, interviews and surveillance.
4. Pre-finding notification: in some cases where documentation is insufficient or electronic investigation does not yield conclusive evidence of non-residency, OSSE may seek further information to verify a students' residency or the other primary caregiver status of the adult enrolling the student prior to making a non-residency finding. In these instances, OSSE will notify families that additional documentation and information is required to verify residency.
5. Finalizing the Investigation: Once all of the evidence has been gathered, one of two determinations may be made by OSSE:
  - a. District Resident – This determination is made for the school year(s) in question only. It does not stand in perpetuity. This decision may be made based on the weight of evidence, or due to lack of probable cause for case initiation.
  - b. Non-resident – This determination is made when there is a lack of sufficient documentation to prove District residency. The finding may be reversed only if the family provides documentation substantiating their claim of District residency that disproves the information within the evidence gathered.

Once a finding of non-residency is made, families must enter into an agreement for payment of tuition in full (including back tuition) in order to remain enrolled in the school for the current year, withdraw their student and pay back tuition for the time enrolled, or face referral to the Office of the Attorney General for further review and pursuit of civil litigation or criminal prosecution. Where there is evidence that false information was knowingly supplied, an immediate referral to OAG is authorized.

### **Duke Ellington School of the Arts Investigation**

As noted above, OSSE conducts an enrollment audit each school year, beginning in October, at all public schools in the District of Columbia. On October 19, 2017, OSSE conducted an on-site review of a sample of residency records at Duke Ellington School of the Arts, as it did at all schools. In this review, OSSE expected to find a number of non-residents legally enrolled in the school with valid tuition agreements. However, OSSE encountered significant concerns about the overall status of the enrollment records at the school, which indicated that further investigation was warranted immediately. This included, in some cases, files with multiple versions or conflicting information for the same students, and files where a claim of DC residency was made despite supporting documentation demonstrating out-of-state residency. In addition, the Office of the Attorney General discussed potential investigations they were conducting into residency allegations at the school with OSSE. Based on this information from OAG and the concerning status of the enrollment records OSSE had already reviewed in the audit, OSSE took custody of all residency files from the school in October 2017 to conduct a larger, more in-depth investigation, beyond the scope of the annual enrollment audit. OSSE informed OAG of this action.

OSSE took custody of 570 records, which included students captured in the enrollment audit and also some files held at the school of students withdrawn prior to or enrolled after the October 5, 2017 enrollment audit capture date.<sup>1</sup> Between October 2017 and April 2018, OSSE investigated each of these student records.

The results of this investigation are detailed in the section below.

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<sup>1</sup> OSSE's [2017-18 Enrollment Audit](#) reported a total of 566 enrolled students at Duke Ellington School of the Arts.

## Summary of Residency Findings

Based on the investigation into the records of 570 students at Duke Ellington School of the Arts, OSSE makes the following findings regarding compliance with residency verification requirements:

- 304 students are deemed to be residents. These students were determined to be residents of the District through a review of the evidence gathered during the investigation.
- 46 students are deemed to be non-residents with existing tuition payment agreements with the District.
- 164 students are deemed to be non-residents. These students' files contained apparently falsified or inauthentic documents, apparently sufficient documents with specific indicators of non-residency revealed by further investigation, or the use of a non-parent's address to verify residency. These students do not have active tuition agreements with the District.
- 56 students remain under investigation due to documentation that does not comply with legal requirements or investigation results that are still inconclusive. OSSE is providing these families with a final opportunity to prove District residency before making any determinations of non-residency as applicable.

As part of OSSE's investigation into these records, OSSE reviewed each student's record on file at the school to identify if they met the standards of residency. However, due to the overall concerns that initiated the investigation, OSSE also conducted further investigation into all student records, regardless of whether the documentation appeared to be legitimate. As part of this further investigation, OSSE reviewed information, including but not limited to property records, utility billings, and driver's license information, as well as other publicly available information on students, parents, and other guardians as listed.

Our findings show that while many records upon first review appeared sufficient and adequate documentation of bona fide District residency, they were in fact problematic upon further examination. The initial review of documents contributed to the findings reported in the 2017-18 enrollment audit that OSSE published in January 2018, which documented 74 identified non-residents at Duke Ellington School of the Arts. However, in the course of OSSE's further, more in-depth investigation, many more records were deemed to be insufficient or potentially fraudulent, and additional students were determined to be non-residents.

Broadly, OSSE observed a high volume of student records at Ellington where the authenticity of the records and the veracity of the information provided is questionable, as compared with the same type of records at other schools. Additionally, the number of records that were incomplete or otherwise inadequate to verify residency indicates, at minimum, a significant lack of oversight and internal controls.

Schools bear the first and primary responsibility for collecting and approving the adequacy of residency documentation, which is a requirement for enrollment. Residency must be proactively proven each year; residency cannot be verified when there is a lack of sufficient documentation. Additionally, non-residents



admitted legitimately into a school are required to enter into a tuition agreement with OSSE. OSSE anticipates that after all due process rights have been exhausted, the total number of confirmed non-residents could potentially decline from the current findings of non-residency if some families are able to produce sufficient documentation. However, the volume of errors suggests systemic non-compliance at the school.

The factors contributing to findings of student non-residency at Ellington are varied, but OSSE identified several trends among the 164 non-resident student files, including:

- Apparently falsified or inauthentic documents. Files included documents such as leases, receipts of rental payments, and paycheck stubs that appeared to be falsified or fabricated. Credible evidence obtained during investigation further indicates that these families actually reside in other jurisdictions, while their enrollment and residency verification forms list DC addresses that do not belong to them.
- Apparently sufficient documents with specific indicators of non-residency revealed by investigation. Files contain enrollment and residency verification forms that are sufficient on their face, but further investigation revealed that the enrolling parents or guardians do not reside at addresses supplied. Credible evidence obtained during investigation revealed that these parents or guardians have no connection to the addresses listed on their enrollment and residency verification forms, and that they actually reside in other jurisdictions.
- Enrolling parent's use of a non-parent's address to verify residency. Files listed a DC address for the enrolling parent or guardian to establish District residency, however, further investigation revealed that these individuals reside in other jurisdictions and the addresses provided belong to family members such as grandparents or aunts.

The remaining 56 student files that are still under investigation included documents that provided no conclusive indication of residency outside the District, but also generally did not comply with legal requirements. It is important to note that a finding of non-residency has not been made with regard to these files. Concurrent with the release of this report, OSSE has notified these families of the investigation and provided them with a final opportunity to verify District residency before making any findings of non-residency.

### **Next Steps for Families of Students Deemed to be Non-Residents**

OSSE will refer all 164 individual findings of non-residency, without tuition agreements in place, to the Office of the Attorney General. Concurrent with the release of this report, OSSE is sending notification to these Ellington non-resident families without tuition agreements to alert them that their cases are being referred to OAG and to detail next steps. Upon referral, each individual case may be subject to pursuit under the False Claims Act, settlement, or other action, per the discretion of OAG.

OSSE is not directing the school to immediately withdraw students deemed as non-residents due to the ability for families to pursue further resolution of non-residency issues with OAG. However, all families must demonstrate residency or enter into a tuition agreement each year in order to enroll in a District school. DCPS and Ellington are directed to ensure that documentation for students enrolling in Duke Ellington are rigorously reviewed to ensure that all students enrolling for the 2018-19 school year are bona fide residents of the District or legally enrolled non-residents.

### **Next Steps for Families of Students Under Investigation**

OSSE will continue to investigate the residency status of the 56 students whose documentation does not comply with legal requirements and/or whose current investigative results are inconclusive. Concurrent with the release of this report, OSSE is sending notification to these families requesting additional evidence of District residency. Following an opportunity to provide this additional documentation, each individual case may be subject to a non-residency finding as applicable and referral to OAG.

OSSE is not directing the school to immediately withdraw students under investigation due to the ability for families to prove District residency and pursue further due process. However, all families must demonstrate residency or enter into a tuition agreement each year in order to enroll in a District school. DCPS and Ellington are directed to ensure that documentation for students enrolling in Ellington are rigorously reviewed to ensure that all students enrolling for the 2018-19 school year are bona fide residents of the District or legally enrolled non-residents.

### **Findings for Duke Ellington School of the Arts and DCPS**

OSSE notes that Duke Ellington School of the Arts has a unique governance structure in which DCPS remains its local education agency (LEA), but the Duke Ellington School of the Arts Project (DESAP), a collaboration of the Ellington Fund, The John F. Kennedy Center for the Performing Arts, and The George Washington University, operates the school pursuant to an agreement between DCPS and DESAP. This is documented in an agreement with DCPS dating back to 2000. This agreement denotes that as part of its application process, the school shall accept District residents who meet its application standards, and applicants from outside the District are accepted on a “space-available basis.” As noted above, in Duke

Ellington as in all other schools, all non-resident students admitted are required to enter into a tuition agreement and be in compliance with it to maintain enrollment in the school. For this reason, OSSE is requiring the next steps below for both the school, with its unique structure, and DCPS as the LEA of record.

The findings and scope of residency fraud identified by OSSE and detailed in this report indicate significant gaps in oversight at the school and LEA level, as well as potential misconduct. As a result of this investigation, OSSE will take the following steps and sanctions against DCPS and Ellington:

1. OSSE will provide all of its case documentation and investigative findings to OAG and the Office of the Inspector General for further investigation of Ellington.
2. OSSE is issuing a corrective action plan for Ellington and DCPS to require:
  - a. Review of staffing at Ellington and development of a staffing plan that includes proper internal controls and oversight of enrollment and residency verification;
  - b. Review of governance structure and operating agreement to ensure the LEA has proper oversight over key responsibilities, particularly regarding enrollment and residency;
  - c. Plan for staff independent of the school to oversee residency verification and enrollment for the 2018-19 school year;
  - d. Plan for re-training all Ellington registrars and administrative staff on residency fraud prevention and residency verification;
  - e. Plan for re-training all DCPS registrars and enrollment staff on residency verification.
3. OSSE will require verification of 100 percent of residency documentation at Ellington for the next five years at the time of the enrollment audit, and may conduct further monitoring as deemed necessary (see section below).
4. OSSE will add requirements to its federally required LEA risk-based monitoring as appropriate based on outcomes of the corrective action plan.

### **Future Enforcement and Monitoring**

As noted in the introduction, OSSE has invested significant time and resources to improve the clarity and rigor of residency verification and fraud detection, including, updating regulations, assuming full responsibility for residency fraud investigations for both DCPS and charter schools, increasing training for LEAs, and instituting more rigorous policies for auditing residency at the school level.

OSSE is continuing to update and create further policies to better document internal and external procedures for residency verification, investigation and tuition collection, and to align with recent changes in the residency regulations. These policies will be made final and public by June 30, 2018. Examples of

policies being updated include: Document Retention, Monitoring, Tuition Collection, and Student Exclusion. OSSE is also working in partnership with the Office of the Chief Financial Officer and their Central Collections Unit to ensure clear enforcement of delinquent payments, including referral to collections agencies.

Additionally, OSSE is authorized to engage in regular monitoring of all LEAs and public schools in the District pursuant to 5A DCMR §5006. As part of OSSE's forthcoming policy updates, OSSE will outline a monitoring policy that includes parameters for annual and/or risk-based monitoring of schools and LEAs. This monitoring will be in addition to the annual enrollment audit and verification process. Risk based monitoring will include sample of records from schools and/or populations deemed to be high risk, using multiple factors that might include selective or high-demand programming, prior substantiated tips, past audit results and compliance history, among others factors. Monitoring results may uncover situations of residency fraud, but will also be used to inform trainings and technical assistance for LEAs, as well as inform OSSE's oversight and policymaking.

Finally, OSSE has continued to implement its public awareness campaign to increase awareness about DC's student residency fraud prevention hotline, including posters at schools and advertisements on Metro buses and in rail stations to maximize reach. The hotline enables constituents to make anonymous and confidential reports about potential instances of residency fraud. Residents may report tips of suspected residency fraud by calling OSSE's tip hotline at (202) 719-6500.




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