

AN ACT
D.C. ACT 19-320

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 1, 2012

*Codification
District of
Columbia
Official Code*

2001 Edition

2012 Summer
Supp.

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Publisher

To amend the District of Columbia Non-Resident Tuition Act to increase fines for residency verification and caregiver status verification violations from \$500 to \$2,000, to establish a hotline for the reporting of student residency fraud, to require schools to post the hotline number, and to establish the Student Residency Verification Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012".

Sec. 2. The District of Columbia Nonresident Tuition Act, approved September 8, 1960 (74 Stat. 854; D.C. Official Code § 38-301 *et seq.*), is amended as follows:

(a) Section 15 (D.C. Official Code § 38-312) is amended as follows:

Amend
§ 38-312

(1) Strike the phrase "the Board of Education,".

(2) Strike the phrase "State Education Office" and insert the phrase "Office of the State Superintendent of Education" in its place.

(3) Strike the phrase "subject to charges of tuition retroactively, payment of a fine of not more than \$2,000, or imprisonment for not more than 90 days, or any combination thereof" and insert the phrase "subject to charges of tuition retroactively, and payment of a fine of not more than \$2,000 or imprisonment for not more than 90 days, but not both a fine and imprisonment" in its place.

(4) Strike the phrase "may be referred to the Office of the Attorney General" and insert the phrase "may be referred by the Office of the State Superintendent of Education to the Office of the Attorney General" in its place.

(b) New sections 15a, 15b, and 15c are added to read as follows:

"Sec. 15a. False information hotline.

"(a) The Office of the State Superintendent of Education shall establish a hotline to receive tips and information regarding the non-District residence, or other primary caregiver status, of a parent or a primary caregiver of a student in a District of Columbia public school or a public charter school.

"(b) District of Columbia public schools and public charter schools shall post a sign,

which is clearly visible and not smaller than 8.5 inches by 11 inches, at each location where admission procedures take place and in each principal's office, notifying the public of the hotline and of the penalties set forth in this act.

“(c) The Office of the State Superintendent of Education shall ensure that District of Columbia public schools and public charter schools investigate an allegation received through the hotline or through any other source of information.

“(d)(1) The Office of the State Superintendent of Education shall refer to the Office of the Attorney General all cases concerning any person, including any official of a District of Columbia public school or public charter school, who knowingly supplies false information to a public official in connection with the verification of residency or primary caregiver status.

“(2) The Attorney General shall keep a log of all cases referred by the Office of the State Superintendent of Education and issue a report by May 1, 2012. The report shall include:

- “(A) The number of cases reported pursuant to this subsection;
- “(B) The number of students involved in each case;
- “(C) A list of schools involved in each case; and
- “(D) The resources needed to prosecute each case.”.

“Sec. 15b. Student Residency Verification Fund.

“(a) There is established as a nonlapsing fund the Student Residency Verification Fund (“Fund”), which shall be used for the purposes set forth in subsection (b) of this section. All funds deposited in the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

“(b) The Fund shall be used solely to fund enforcement activities concerning student residency and primary caregiver status verification.

“(c) The Fund shall be administered by the Office of the State Superintendent of Education.

“(d) There shall be deposited into the Fund all payments collected pursuant to this act.

“Sec. 15c. Report on the status of residency fraud investigations, levying and collection of fines, and retroactive tuition.

“The Mayor shall submit a report to the Council on the status of residency fraud investigations and the levying and collection of fines and retroactive tuition within 30 days of the effective date of the District of Columbia Public Schools and Public Charter School Student Residency Fraud Prevention Amendment Act of 2012, passed on 2nd reading on February 7, 2012 (Enrolled version of Bill 19-228), and on an annual basis thereafter. The report for each local education agency shall include:

- “(1) The number of cases investigated due to suspected fraud;
- “(2) The number of cases that were determined to be residency fraud;
- “(3) Of the cases that were determined to be residency fraud, the number that were assessed fines or retroactive tuition charges;
- “(4) The amount of fines and retroactive tuition charges imposed; and
- “(5) The amount of fines and retroactive tuition collected.”.

Sec. 3. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

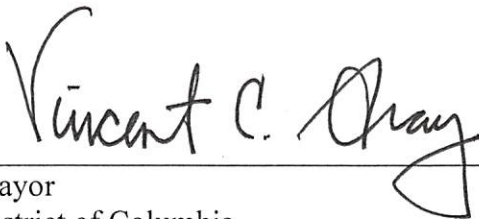
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
March 1, 2012



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B19-228**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 01-04-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

MENDELSON AND THOMAS, JR.

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.				X
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson				X					
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

2.21.12

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 02-07-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Wells	X			
Barry	X				Evans	X								
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

2.21.12

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ACTION & DATE

VOICE VOTE

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ROLL CALL VOTE - Result

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Alexander					Cheh					Wells				
Barry					Evans									
Bowser					Graham									
Brown, M					Mendelson									
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CERTIFICATION RECORD



Secretary to the Council

Date