

Student Assignment and Choice Policy in the District of Columbia

Prepared by: 21st Century School Fund

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I. Introduction

In this policy brief, we provide an introduction to student assignment, describe the history of student assignment and school choice in the District of Columbia, and describe D.C.'s current student-assignment and school-choice policies and practices for the DCPS school system and for the charter local education agencies (LEAs).

II. Student Assignment and School Choice

Since 1925, school attendance has been compulsory for D.C. resident children.¹ Between 1925 and 1991, the requirement applied to children between the ages of 7 and 16.² Since its amendment in 1991, the law has applied to children between the ages of 5 and 17.³ Under the law, each child must attend a public, independent, private, or parochial school or be appropriately home-schooled.⁴ To this day, the local public education agency charged with providing corresponding K–12 education services to every D.C. resident child who requests them is the D.C. Public Schools (DCPS).

Student-assignment policy and practice as they affect families refer to the processes that determine which school or schools each student living within a jurisdiction may or must attend. Student assignment as it affects the administration of public education refers to how school space and program space—for example, grade-level space—is made available to families. Student assignment therefore is a key component of a community's system for allocating the supply of education services and for managing the demand for education services.

The assignment of students to schools is an important, often emotional, and always personal concern for families and students. Where a child attends school powerfully affects the child's safety, the friends a child will make, the academic or athletic competitive advantages the child may secure from the school, and the logistics of daily family life. Changes to student assignment can be as great a factor in neighborhood change as school closings and the construction of new schools. Student assignment has also traditionally been extremely important to property owners and developers, who understand the value of the schools as public land and civic assets and as important amenities associated with neighborhoods.⁵

On the government and administrative side, student assignment is inextricably enmeshed with the planning for and management of public resources including land, facilities, transportation infrastructure, and public funds. Education is a public service that must be available to every compulsory school-aged child no matter where he or she lives or his or her level of preparation or need.

Student assignment is also inextricably enmeshed with school choice. Although a community may compel every child to participate in education activities, the determination of which school(s) a student attends ultimately belongs to the student's parent or guardian. Which options are available and how families access them is a crucial part of student-assignment policy. But when it comes to the utilization of scarce public resources for education, communities must weigh competing values to make decisions about how to

¹ 43 Stat. 806, ch. 140, Art. I, §§ 1, 2 (codified in D.C. Code § 38-202).

² See Committee Report, D.C. Law 8-247 (1991).

³ See D.C. Code § 38-202(a), as amended by D.C. Law 8-247, § 2(a) (Mar. 8, 1991).

⁴ See D.C. Code § 38-202(a).

⁵ See Enterprise Foundation: Community Developer's Guide to Improving Schools in Revitalizing Neighborhoods (2008).

allocate those resources. In assigning students to schools, the community must balance its collective values, needs, and desires with those of individual families.

In determining where students attend school, families and communities must take into account and balance a number of important factors, including school quality, school climate (social and behavioral characteristics), walkability/proximity, predictability, stability, diversity, cost efficiency, and choice. Communities must also take into account the locations and costs of operating and maintaining school facilities as well as the costs and availability of transportation. Different communities balance or prioritize these values differently, and choose different combinations of student-assignment mechanisms that reflect the values they view as most critical when formulating a student-assignment policy.

III. Historical Context for Student Assignment and School Choice in D.C.

The history of student assignment in the District of Columbia is laden with issues of race, class, disenfranchisement, discrimination, and segregation. Although judicial and Congressional actions in the 1950s, 1960s, and 1970s resulted in legal desegregation and the development of partial home rule for District residents, those developments did not resolve the issues. For decades, African-Americans had no direct input into the oversight of their schools, which were characterized by overcrowding, poor-quality facilities in most cases, and second-hand books and materials that had been discarded from the white schools. In 1948, the African-American community in Northeast D.C. mobilized to build Slowe Elementary School so that their children would not have to travel so far to attend school. Even as late as 1967—12 years after segregation by law had been overturned and at a time when African-Americans made up more than 90% of DCPS's enrollment—African-Americans were still limited by quota to a maximum of four out of nine seats on the D.C. Board of Education.⁶ D.C. and its schools remain racially and socio-economically segregated to a great degree, and both the funding for D.C.'s public schools and the policies controlling their operation remain subject to the approval of Congress.

A. D.C. Student-Assignment Policy Pre-1954: Based on Residence and Race

Prior to the 1954 United States Supreme Court decision in *Bolling v. Sharpe*, student assignment in D.C. was based on residence and race. Although neighborhoods in D.C. were not segregated by law, D.C. maintained separate public schools for whites and African-Americans. In 1900, the previously separate white and black school systems were consolidated under a single Board of Education whose members were appointed by the D.C. Supreme Court and were assumedly all white.⁷ The school system was divided up into Division I (white) and Division II (black), each with its own elementary and junior and senior high schools, and each with instructional and administrative personnel of the one race only.⁸ Each student was assigned to a school at each level based on his or her race and the location of his or her residence within geographic attendance zones around each school.

Numerous examples of the dual school system live on in our infrastructure as well as in the memories of Washingtonians. The Rose School (K–8) for African-American students was located behind the all-white

⁶ See *Hobson v. Hansen I*, 269 F. Supp. 401, 406 (D.D.C. 1967).

⁷ See Richard Hurlbut, *District of Columbia Public Schools: A Brief History* (1981) (from the DCPS Web site between 2004 and 2007).

⁸ *Hobson v. Hansen I*, 269 F. Supp. 401, 408 (D.D.C. 1967), *aff'd sub nom. Smuck v. Hobson*, 408 F.2d 175 (D.C. Cir. 1969).

Alice Deal Junior High School in Tenleytown.⁹ Other examples of paired white and black schools include the former Sumner and Magruder Schools at 17th and M Streets, NW; the Slater and Langston Schools at 1st and P Streets NW, and the Bruce and Monroe Schools near Georgia Avenue and Columbia Road, NW (with the 1978 open-plan Bruce-Monroe school carrying the name of the consolidated schools until its demolition in 2011). The Adams-Morgan community is named after the two elementary schools that served that area—the Adams School for whites (still at 19th and California Streets, NW but now a middle-grades extension of the Oyster Bilingual School) and the Morgan School for blacks, which is now a condo building on 17th Street, NW.¹⁰

In 1952, parents of African-American students excluded from the recently opened all-white Sousa Junior High School in Anacostia brought the case of *Bolling v. Sharpe* to the Supreme Court to challenge the segregation of the D.C. schools. In 1954, alongside the landmark case of *Brown v. Board of Education*, the Supreme Court ruled in *Bolling* that “racial segregation in the public schools of the District of Columbia is a denial of the due process of law guaranteed by the 5th Amendment.”¹¹ As a result, DCPS was required to relinquish race as a factor in student assignment, leaving residence as the basis for its student-assignment policy. On September 13, 1954, DCPS began implementing its new student-assignment policy and related desegregation plan with those students who were registering for the first time or who had moved from one part of the city to another.¹²

B. D.C. Student-Assignment Policy After 1954: Based on Residence but with a Growing Overlay of Choice

After the removal of race in 1954 as an official factor in student assignment policy, the official basis of students’ school assignments of right at each school level became the student’s residence, in conjunction with geographic attendance zones established for each school.¹³ This is not to say that every student attended (or now attends) his or her attendance-zone school—far from it. From the start, many families chose not to accept their attendance-zone school and sought some measure of school choice. Some found additional school options within DCPS through out-of-boundary placement and special-admissions schools and programs. Others found options in private and parochial schools and suburban school systems and, after 1996, in D.C. public charter schools.

Shortly before *Bolling*, the District of Columbia’s public-school enrollment of 110,000 was about 57% African-American and 43% white. In the decade after *Bolling*, many D.C. families—the majority of them white—left the District in such large numbers that the phenomenon was termed an exodus.¹⁴ By 1966, after twelve years of “white flight” out of D.C. and a substantial influx of African-American families from other states, 91% of the students in DCPS were African-American.¹⁵

⁹ However, when Deal JHS and Wilson High School were built in the late 1930s for white students, a portion of the African-American community formerly located on those sites was torn down to build the new schools.

¹⁰ For a history of DCPS schools, see *Replace or Modernize: A History of DCPS*, by 21st Century School Fund (2001).

www.21csf.org/csf-home/Documents/Historic_Report/Historic_Rpt_s1.pdf

¹¹ *Bolling v. Sharpe*, 345 U.S. 497, 500 (1954).

¹² See Richard Hurlbut, *District of Columbia Public Schools: A Brief History* (1981) (from the DCPS Web site between 2004 and 2007).

¹³ See, e.g., Final Rulemaking published at 24 DCR 1005, 1007 (July 29, 1977) establishing 5 DCMR § 2001; as amended by Final Rulemaking published at 36 DCR 180, 181 (January 6, 1989).

¹⁴ See *Hobson v. Hansen II*, 320 F.Supp. 720 (D.D.C. 1970).

¹⁵ *Separate and Unequal: A Report from Parents United* (March 2005).

D.C. Policy Brief #1: D.C. Student-Assignment and Choice Policy

Table 1: D.C. Student Enrollments and Race/Ethnicity, 1954–2012

Year		Hispanic	Asian	Other	Black	White	Enrollment	Hispanic Any Race
1954	DCPS	0	0	0	57%	43%	110,000	–
1966	DCPS	0	0	0	91%	9%	147,000	–
2006	DCPS/PCS	10%	2%	0	83%	5%	72,378	–
2012	DCPS/PCS ¹⁶	0%	2%	3%	72%	22%	47,598 ¹⁷	15%
	PCS	0%	1%	5%	80%	14%	34,712 ¹⁸	15%

As a result of the outflows and inflows of the 1950s–1960s, many of D.C.’s neighborhoods became more racially segregated and the city became more segregated than ever before. By 1970, the populations of the Northeast, Southeast, and Southwest quadrants were 91%, 87%, and 58% African-American, respectively, while the neighborhoods west of Rock Creek Park were overwhelmingly white.¹⁹

During these tumultuous years of change, DCPS implemented a mix of student-assignment policies that included both segregative and integrative policies. According to the findings of the federal court in the landmark D.C. case of *Hobson v. Hansen I* (1967), DCPS protected and facilitated segregation through the following policies:

²⁰

- Between 1955 and approximately 1960, DCPS allowed individual whites who were “seriously upset by the prospect of integration” to transfer to white-majority schools and exempted some white students attending out-of-boundary schools from requirements of a desegregation plan that would have returned them to their integrated attendance-zone schools;
- DCPS revised the tentative attendance zone around the new Rabaut Junior High School in Northwest to allow the majority of the Takoma neighborhood’s white students to attend Paul Junior High School together instead of being divided between Rabaut and Paul and thereby “engulfed” by black student populations;
- DCPS employed “optional attendance zones” to allow whites in certain integrated neighborhoods to opt out of their attendance-zone schools and attend more distant schools with higher percentages of white students, but did not establish these optional zones in all-black neighborhoods;
- Between 1956 and 1967, DCPS placed a majority of its black students into lower, non-college-preparatory academic tracks on the basis of socio-economically biased aptitude tests that were standardized primarily on a white middle-class group of students and which “produce[d] inaccurate and misleading test scores when given to lower-class and [African-American] students.”²¹

¹⁶ Geo_Roster data.

¹⁷ Including 1,501 adult students.

¹⁸ Including 2,808 adult students.

¹⁹ 1970 U.S. Census.

²⁰ See *Hobson v. Hansen I*, 269 F. Supp. 401, 415 et seq. (D.D.C. 1967).

²¹ *Hobson v. Hansen I*, 269 F. Supp. 401, 514 (D.D.C. 1967). The court found the tracking system to result in “a denial of equal opportunity to the poor and a majority of the Negroes attending school in the nation's capital, [and] a denial that contravenes not only guarantees of the Fifth Amendment but also the fundamental premise of the track system itself.” *Hobson v. Hansen*, 269 F. Supp. 401, 443.

In *Hobson I*, the court overturned the practices listed above and mandated the implementation of a desegregation plan that included the busing of small numbers of volunteering black students from east of Rock Creek Park to under-enrolled schools west of the park. Today, the remains of this court-ordered desegregation are visible in the attendance zone for Alice Deal Middle School in Tenleytown, which extends east of the physical barrier of the park to include parts of the more racially diverse Mt. Pleasant, Adams-Morgan, Crestwood, and 16th Street Heights neighborhoods.²²

In 1970, in a final act of resistance against integration, the recently elected D.C. school board moved Mann and Hearst elementary schools in Northwest out of the feeder pattern of the integrated Gordon Junior High School²³ and into the feeder pattern of the heavily white Deal Junior High School, apparently in order to allow fewer than 20 white students to avoid attending the majority-black Gordon even though Deal was already at 113 percent of capacity and Gordon was only at 87 percent of capacity. This action was overturned by the same federal court in December 1970.²⁴

Ultimately, in the face of the demographic changes of the 1960s, DCPS's integrative actions that occurred post *Hobson I* (including the special-admissions programs described below) had little effect on overall segregation in the schools, and to this day the majority of them are homogeneous in terms of race. In 2012, of the 215 DCPS and D.C. public charter schools, 74% had enrollments that were 60%-plus African-American, 7% had enrollments that were 60%-plus Hispanic/Latino, and 3% had enrollments that were 60%-plus white.²⁵ Only 16% of the schools had enrollments in which two or more racial/ethnic groups constituted substantial percentages and thus could avoid being labeled "non-diverse."

IV. Current D.C. Student-Assignment Policies and School Choice

Some of D.C.'s current student-assignment and school-choice practices are implemented pursuant to policies that are codified in laws or regulations, while others are implemented pursuant to policy decisions made within administrative processes at the LEA level or below. Those policy decisions that were made by Congress or the D.C. Council are codified in Title 38 of the D.C. Official Code and are binding on D.C. public agencies and residents (see, e.g., Sections V. A. and V. D. below). Some of the policies that have been made by the defunct D.C. Board of Education and by DCPS as public agencies pursuant to the authority granted to them by law are codified in Title 5-E of the D.C. Municipal Regulations (DCMR) (see, e.g., Sections V. B. and V. C. below). Other policies made by DCPS have been implemented without having been codified in regulations. While such policies may have been memorialized in other instruments such as administrative directives, policy memoranda, manuals, handbooks, or Web pages, such policies are much less enforceable and are not guaranteed to be accessible to the public.

Within the public charter sector—aside from the few policies pertaining to student admission, enrollment, and withdrawal established by Congress in D.C. Code § 1802.06—little in the way of policy is imposed by authorities above the LEA level. While the D.C. Public Charter School Board (PCSB) has the authority to promulgate municipal regulations on topics over which it has regulatory authority, student assignment and school choice are not included within the limited scope of PCSB's authority. For the most part, each public

²² To this day, Metro provides dedicated buses that pick up students east of the park and carry them to Deal MS.

²³ Gordon JHS, located at 35th and T Streets, NW, closed in 1978, leaving the tiny Hardy Middle School (established in 1975 in the Hardy ES building at Foxhall Road NW and Q Street, NW) as the middle-grades school for the neighborhood. Hardy MS then moved into the former Gordon building in the late 1990s.

²⁴ See *Hobson v. Hansen II*, 320 F.Supp. 720 (D.D.C. 1970).

²⁵ See DCPS SY 2012–13 School Profiles data; 2012–13 DCPCSB school data through Greater Greater Washington.

charter LEA has the authority to adopt, modify, and implement its own policies without involving the public or making the policies available to the public. Some public charter LEA's policies are available on the LEA's Web sites, but many are not.

A. Student Assignment of Right

Assignment of right is the right of a parent to enroll his or her child into a public school, at any time of year, for any grade, and with any special need—education, language, or emotional disability—if he or she is within the compulsory school ages, or in the case of DC has not graduated high school and is younger than 21 years old. Only DCPS schools provide enrollment to students by right of the family. Public charter schools provide space according to their charter and lottery processes. As noted above, since at least the 1950s, D.C. students have been assigned by right to DCPS schools based on the residence of the student's parent/guardian in conjunction with attendance zones established for DCPS elementary, middle, and high schools. Since 1977, this student-assignment policy has been codified in 5 DCMR § 2001.²⁶ In addition to assignment by residence, DCPS in recent decades—and particularly since 2009—has assigned some students by right to middle and high schools based on feeder patterns in which each elementary school is linked to a designated receiving middle school, which in turn is linked to a designated receiving high school.

1. By Residence and Attendance Zones

Each DCPS school (with the exception of city-wide schools) has an attendance zone. The zones at each school level abut each other such that there are no territorial gaps between the zones at that level. Each residence within the District falls within at least one elementary-school zone, one middle-school zone, and one high-school zone.²⁷ Each resident in the District may enter his or her address into the D.C. government's online EBIS Boundary Information System²⁸ and it will identify the elementary, middle, and high schools' zones that include the residence. For maps of DCPS attendance zones at the ES, MS, and HS levels, see Section VI below.

In drawing an attendance zone, school systems generally consider factors such as walkability, the safety of students at each age level, the actual and projected student populations within the area around the school, the capacity and utilization of the school, its proximity to other schools, the geographic features of the area (including physical and practical barriers such as rivers, parks, and roads), and the school's proximity to other schools. For many reasons,²⁹ attendance zones for the three levels of schools (elementary, middle/junior-high, and high) need not always align with each other, as has often been the case in D.C.

A primary benefit of attendance zones is that they allow a school system to closely manage the utilization of its schools by moving the boundary between a given school's zone and an adjacent school's zone by as little as one block. A school district may also finely adjust the proximity/walkability of its schools through adjustments to boundaries. But there are limits: frequent changes to attendance zones can reduce predictability for some or many residents, particularly those near the boundaries of the zones.

²⁶ Established by 24 DCR 1005, 1007 (July 29, 1977); as amended by Final Rulemaking published at 36 DCR 180, 181 (January 6, 1989). See also 5 DCMR §§ 2002, 2004, 2105, and 2109.

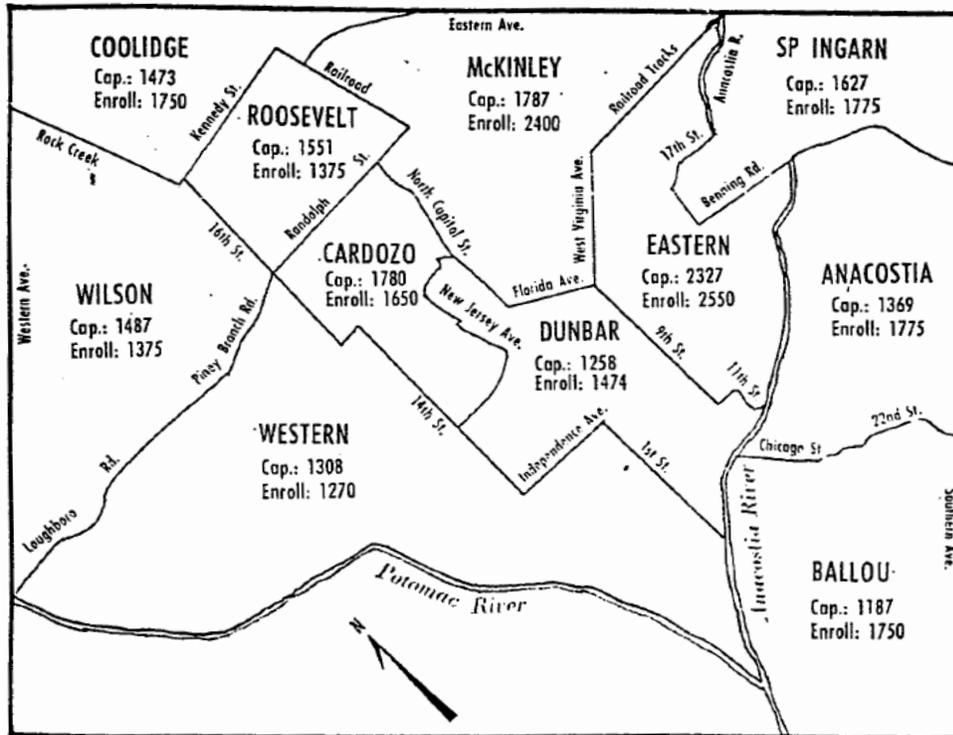
²⁷ Problematically, some residences fall within the zones of more than one elementary school because of past decisions to grant residents of some (but not all) closed elementary schools the opportunity to choose between multiple receiving elementary schools. This is one of the issues that needs to be addressed in the "cleanup" of attendance-zone boundaries that will be undertaken by the Advisory Committee.

²⁸ <http://dcatlas.dcgis.dc.gov/schools/>

²⁹ For example, students are not equally distributed across the city, schools at each level are not evenly placed geographically; and physical and geographic barriers and obstacles affect the accessibility of each school uniquely.

Adjustments to Attendance Zones

During the 1950s and 1960s, DCPS made adjustments to selected attendance zones as often as every year to take into account changes in building and program capacities, housing patterns, and neighborhood population numbers; the opening or closing of schools and programs; and objectives such as program development and, as noted above, segregation and integration. In 1968, the integrative mandates of the court in *Hobson I* as well as overcrowding in schools east of the park and east of the Anacostia River (e.g., Ballou HS at 130% of capacity), for example) necessitated substantial changes to attendance zones.³⁰



Feb. 28, 1968

Washington Post Map by Joseph P. Mastrangelo

High school zones: Labeled streets are reference points, not exact boundaries.

After community uproar in response to its initial proposals, DCPS established a School Boundary Project Committee (SBPC) of 19 citizens, 11 school principals and other staff, and 5 staff consultants to develop revised attendance zones for junior and senior high schools (JHS and SHS). The SBPC led by former Roosevelt HS principal Robert Boyd and including citizen representatives and parents from all areas of the city, worked for two months to create three JHS plan options and three SHS plan options, from which it selected one of each to propose to the Board of Education.³¹ The Board of Education held four public hearings for community feedback on the proposed plan during April 1968 and adopted the plan on May 8, 1968.

³⁰ DCPS enrollments boomed during the 1960s, rising from below 120,000 in 1959 to a peak of 149,116 in 1969. See District Pupil Roster Takes Steepest Drop, Washington Post, Nov. 13, 1977 at B1.

³¹ The proposal moved 7,000 7th- and 8th-graders between junior high schools (9th-graders were exempted) and moved 3,300 10th- and 11th-graders between high schools (12th-graders were exempted).

DCPS's next major attendance-zone revision effort took place in 1978–1979 after enrollment declined to 119,965 in fall 1977, a drop of 20% from its 1969 peak of 149,116. The attendance-zone revisions established a zone for the newly opened Marshall ES (then known as Fort Lincoln ES) and reassigned fewer than 500 students across the city.³² After the 1970s—although D.C. experienced significant neighborhood demographic changes, the establishment and growth of public charter schools, an expansion of early-childhood education, and the closure of 58 DCPS schools between 1996 and 2013 alone—DCPS adjusted its attendance zones only on an ad hoc basis.

2. *By Feeder Patterns*

In 1970, DCPS floated a proposal to establish clean vertical feeder patterns from ES through HS levels, by which students completing the terminal grade at a given elementary school would have a “next-level” right to enroll in a designated middle school and students completing middle school would have a similar next-level right to enroll in that middle school’s designated high school.³³ Feeder patterns can allow student cohorts to continue together through many grade levels, thereby fostering social relationships between students and facilitating community involvement in support of a group of students. Feeder patterns can also facilitate the vertical alignment of academic programs and pathways across the three school levels with fewer geographic limitations. A drawback of pure feeder patterns is that they do not facilitate making small adjustments to enrollments at the middle and high school levels, because the smallest number of students that can be added or subtracted is the entire terminal grade level of one of the feeder schools.

A school district may designate more than one receiving school for a given feeder school, but it complicates student assignment and planning considerably. In such a structure, the basis for determining a given student’s receiving school becomes very important. If the determination of a student’s receiving school is based on residence or programmatic/cohort membership (e.g., dual-language participation), predictability for both families and the school system’s planners is retained. If the determination is left up to the student/family, the family gains a measure of choice and a possibility of finding a better fit between school and student. However, providing a choice to families reduces the ability of school planners to predict and manage enrollments, and introduces the risk that school-enrollment imbalances may develop over time that can require corrective actions that are more wrenching and costly.

In proposing feeder patterns in 1970, DCPS cited a need to maintain cohort integrity, increase vertical coordination between schools, and move DCPS towards more of a decentralized cluster system.³⁴ However, no record of approval, codification, or implementation of the plan has been found, and DCPS’s student-assignment regulation promulgated in 1977 omits any mention of feeder patterns.³⁵

Between 1970 and 2003, although official policy did not include feeder patterns as a basis for student assignment, principals had a great degree of discretion in admissions, and were able to accept entire outgoing classes from geographically proximate feeder schools. In 2009, DCPS adopted into practice a central policy establishing feeder patterns and conferring next-level student-assignment rights on both in-

³² See *Proposals Would Change School Attendance Boundaries*, Washington Post, May 3, 1979 at DC4.

³³ “Beginning in 2009-2010, students have the right to attend destination schools even if they are different from their neighborhood schools.”

<http://dcps.dc.gov/DCPS/Learn+About+Schools/Prepare+to+Enroll/Find+Your+Assigned+Schools>. Feeder and receiving schools are listed in the DCPS School Profiles at <http://profiles.dcps.dc.gov/>.

³⁴ See *New Plan to Stabilize Schools Offered*, Washington Post, Mar. 6, 1970, at C1.

³⁵ See 5 DCMR § 2001. Additional evidence that feeder patterns were not adopted is found in the continued existence of middle- and high-school attendance zones through the present day.

boundary and out-of-boundary students based on those feeder patterns. These next-level rights accrue to the student regardless of how he or she was originally assigned to the feeder school (e.g., by attendance zone, next-level right, lottery, special admission, or administrative placement). This policy was codified in relation to out-of-boundary students in 5 DCMR §§ 2016.11 and 2106.12³⁶, but was never codified in regulation with regard to in-boundary students.³⁷ For a table of DCPS's current feeder patterns, see Section VII below. DCPS has listed its feeder relationships on a school-by-school basis within its School Profiles Web pages at <http://profiles.dcps.dc.gov/>.

Because DCPS's elementary-, middle-, and high-school attendance zones do not vertically align in perfect fashion, some residences in an elementary school's zone may fall within one middle school's zone, while other residences from that same elementary school zone may fall within a different middle school's zone. However, in most cases, each elementary school has only one designated receiving school. As a result, students living in residences for which the zoned middle/PS-8 school is different from his or her elementary school's designated receiving school have a choice between two middle/PS-8 schools of right. Students living in residences for which the zoned middle/PS-8 school is the same as his or her elementary school's receiving school have only one middle/PS-8 school of right.

DCPS's 2009 policy thereby arbitrarily provided some D.C. residents with expanded school choice and other residents with no additional choice. To the extent that the expanded choice induced additional families to enroll in or continue to attend DCPS schools instead of charter schools, the policy may have bolstered DCPS's enrollment in recent years. On the flip side, giving some number of families a choice of middle/PS-8 and/or high schools has made it more difficult for school system planners to project and manage enrollments.

B. Administrative Placements and Involuntary Transfers

In addition to student assignment by attendance zones and feeder patterns, for many decades, DCPS has assigned some students by way of administrative placement and involuntary transfer. DCPS assigns some special-needs students out-of-boundary in order that they may obtain services required by their individual education plans (IEPs) that are not available at their attendance-zone school or to meet other academic needs. All special education students are provided transportation by the District. Under 5 DCMR § 2107, students may be involuntarily transferred from one school to another at any time in the year by an Assistant Superintendent after notice to the parent/guardian and a hearing. These transfers have most commonly been for safety- and discipline-related reasons, but can be for a range of other reasons. Students involuntarily transferred are still responsible for their own transportation.

C. School Choice

In addition to an assignment of right to a DCPS school, D.C. resident students also have a range of other school options available to them. The range is not equally broad for all D.C. students and families. For those families that can afford the expense, private and parochial schools within and outside D.C. are available. And, as noted above, for families willing and able to move out of the District, schools in the Maryland and Virginia suburbs have long provided another set of public school options. For the majority of D.C. families, however, the bulk of school options are in the public sector, either within DCPS, in the 60

³⁶ An important rationale for this policy for out-of-boundary students was to provide predictability as to the next-level schools.

³⁷ A written copy of the policy covering in-boundary students has not been located.

public charter LEAs,³⁸ or by way of publicly funded vouchers that can be used to pay for homeschooling costs or tuition at private schools.

1. *Choice Within DCPS*

In SY 2012–13, a total of 21,327—or 44.2% of DCPS students—attended their designated attendance-zone schools. Another set of students (not easily quantifiable) attended a “school of right” as provided by the DCPS feeder patterns. The remainder attended non-attendance-zone schools either through out-of-boundary admissions, specialized admissions, or administrative placements (including nonpublic placements and temporary placements). Excluding the administrative placements, close to half of all DCPS students have found a way to obtain and exercise a choice between at least two school options within DCPS. What is not clear is the extent to which students and families have been satisfied with those options.

DCPS Out-of-Boundary (OOB) Attendance in Grades K–12

In 1996, DCPS codified its policy allowing parents to apply directly to the principals of “out-of-boundary” schools for available K–12 seats. The policy afforded a great deal of discretion to the principals. Some schools, such as the popular Oyster Bilingual Elementary School, distributed their available out-of-boundary seats on a “first come, first served” basis—balanced by family language dominance, which meant that seats were only available to parents who were able to camp outside the school sometimes for days, in order to be in line for a seat when the out of boundary wait list was to open. At other schools, students who were accomplished athletes had a greater chance of being granted an out-of-boundary seat than students who were not. Perhaps unsurprisingly, many parents felt tremendous dissatisfaction and believed that the unchecked nature of principals’ discretion resulted in a biased and unfair process.

In 2003, the D.C. Board of Education replaced the school-administered admissions process with a centrally managed lottery system. In the 2013–2014 lottery, students could apply to up to six DCPS schools between January 28 and February 28 for available OOB seats in grades K–12 at.³⁹ Available seats in a given school are awarded by lottery according to the following order of preferences:⁴⁰

1. **Sibling:** Applicant has a sibling who attends the school or graduated within the past two years.
2. **Sibling Accepted:** Applicant has a sibling who was admitted in this year’s lottery.
3. **Proximity:** Applicant lives within walking distance as defined by 5 DCMR § 2106.3.
4. **Former Adams:** Applicant lives in the former Adams school boundary, which has a preference at Oyster-Adams Bilingual School.
5. **No Preference:** Applicant qualifies for none of the above preferences.

Students are given a seat at their highest-ranked school at which a seat is available in light of the preferences listed above and then placed on the waitlist for any other schools ranked higher than the one at which they received a seat.⁴¹ DCPS generally posts the lottery results by early March, but in no case later than March 31.

³⁸ See PCSB SY 2013–14 Public Charter School Directory.

³⁹ 5 DCMR 2106.

⁴⁰ See https://lottery.dcps.dc.gov/lottery_results.aspx.

⁴¹ “Students will be automatically waitlisted at any schools that they ranked higher than the school to which they were placed if they meet the minimum requirements of that school.” DCPS High School Online Application FAQ SY 2013.

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For SY 2013–14, 2,994 students applied for 2,491 available K–12 OOB seats at 97 schools and 7 programs within schools.⁴² In the initial lottery, 1,195 students (39.9%) secured seats. The remaining 1,799 students did not secure desired seats despite the fact that a total of 1,296 seats were available in 60 schools and 2 programs within schools. This means that 52% of the available OOB seats went unfilled in SY 2013-14. Thirty-two schools had seats available in at least one grade that attracted no applicants whatsoever, for a total of 431 seats for which there appears to have been no interest.

DCPS OOB Continuation and OOB Feeder Enrollment Rights (2009–present)

Prior to 2009, OOB students admitted to a DCPS school could be released from that school at the end of any school year based on the decision of the principal, which effectively meant that OOB admission could last for as little as one year. This resulted in very little predictability for families and a great deal of worry on an annual basis. In addition, the OOB admission only covered the elementary or middle school to which the student applied, and did not provide any right to proceed to the next-level school(s) in that OOB school's feeder pattern. Absent another successful OOB application through the OOB lottery, the student would have only the right to attend his or her attendance-zone school at the next level. Many families found themselves having to apply for and win OOB admission multiple times in order to stitch together an academic career without disruptive transitions. Not surprisingly, many parents were not satisfied and were choosing to leave DCPS and/or D.C. to obtain the desired consistency and predictability.

In 2009, DCPS addressed this issue by revising its policy to give “students admitted to schools outside the attendance zones established for their place of residence” the right to “attend these schools for the duration of their participation in the academic program” as well as the right to “attend the next next-level school in the designated feeder pattern upon the student's completion of the program at the feeder school.”⁴³ This policy provided students and families who are successful in the OOB lottery with the consistency and predictability that had been lacking. Moreover, because the student retains the right to attend his/her in-boundary schools, the policy has given those families an additional level of choice that persists for the remainder of their K–12 experience in D.C.

DCPS Preschool and Pre-Kindergarten Citywide Lottery

Under D.C. law, preschool (age 3) and pre-Kindergarten (age 4) attendance is not compulsory.⁴⁴ As a result, DCPS is not required to offer PK3 or PK4 seats at every elementary-grades school. However, after increases during the past decade in funding by the D.C. Council for early-childhood education, DCPS in SY 2012–13 served 2,161 preschool (grade PK3) and 3,409 pre-Kindergarten (grade PK4) students at 71 and 81 schools, respectively. The PK3 and PK4 seats are allocated by lottery at the same time as the out-of-boundary seats for grades K–12. Under 5 DCMR § 2106, students may apply between January 28 and February 28 for available PK3 and PK4 seats at up to six DCPS schools, selecting any combination of in-boundary and out-of-boundary schools that offer seats in the appropriate grade level for their child.⁴⁵

⁴² For SY 2013-14, DCPS operates 109 school programs, of which approximately 5 are assignment schools and 8 are application schools, leaving 96 that can participate in the OOB process.

⁴³ 5 DCMR §§ 2106.11, 2106.12. These regulations do not give such continuation or next-level enrollment rights to in-boundary students.

⁴⁴ See D.C. Code § 38-202(a).

⁴⁵ 5 DCMR 2106.

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Available PK3 and PK4 seats in a given school are awarded by lottery according to the following order of preferences:^{46 47}

1. **In-Boundary w/Sibling:** Applicant lives in-boundary for the school & has a sibling who attends the school or graduated within the past two years.
2. **In-Boundary w/Sibling Accepted:** Applicant lives in-boundary for the school & has a sibling who was admitted in this year's lottery.
3. **In-Boundary:** Applicant lives in-boundary for the school.
4. **OOB w/Sibling:** Applicant lives out-of-boundary for the school and has a sibling who attends the school or graduated within the past two years.
5. **OOB w/Sibling Accepted:** Applicant lives out-of-boundary for the school and has a sibling who was admitted in this year's lottery.
6. **OOB w/Proximity:** Applicant lives out-of-boundary for the school but within walking distance as defined by 5 DCMR § 2106.3.
7. **Former Adams:** Applicant lives in the former Adams [Elementary School attendance zone], which has a preference at Oyster-Adams Bilingual School.
8. **No Preference:** Applicant qualifies for none of the above preferences.

Students are given a seat at their highest-ranked school and then placed on the waitlist for any other schools ranked higher than the one at which they received a seat. DCPS generally posts the lottery results by early March, but in no case later than March 31.

For SY 2013–14, 4,219 students applied for 3,152 available PS/PK seats at 75 schools and six programs within schools. In the initial lottery, 2,797 students (66.3%) secured seats. Every school that offered OOB seats admitted OOB students. Nonetheless, 1,422 students did not secure seats despite the fact that a total of 339 available PK3 seats in 25 schools went unfilled, and a total of 16 available PK4 seats in four schools went unfilled. This demonstrates the fact that not all available seats were desired by families.⁴⁸

Reporting and Accountability

5 DCMR § 2106.13 requires that the Chancellor report annually on the impact of the lottery's implementation "by collecting data"⁴⁹ including, but not limited to:

- (a) The number of children seeking out of boundary transfers from each school and zip code, the school(s) and zip code to which they sought to transfer, and the priority category under which each applied;

⁴⁶ https://lottery.dcps.dc.gov/lottery_results.aspx. Although D.C. Code section 38-273.02 requires that DCPS and community-based organization (CBO) providers of PK3/PK4 education give enrollment priority first to in-boundary children and second to "children whose family income is between 130% and 250% of federal poverty guidelines, and to children whose family income is below 130% who are not served by existing programs," the DCPS's lottery materials make no mention of any priority being given on the basis of family income.

⁴⁷ DCPS states that, in the case of dual-language and Spanish-immersion programs, all sibling preferences (#s 1, 2, 4, & 5 in the list) come before in-boundary preference (#3) in order to support the language acquisition goals of those programs. This practice appears to be in conflict with the priority that in-boundary students have by right.

⁴⁸ The 7,809 waitlist entries resulting from the initial SY 2013–14 lottery reflect the fact that each individual student can be waitlisted for up to 6 schools.

⁴⁹ It is not clear how "report[ing]" is accomplished simply by "collecting data." If the purpose of 5 DCMR § 2106.13 is to ensure that the public is informed about the motivations behind OOB attendance, the scope of OOB attendance, and the results of the OOB lotteries, 5 DCMR § 2106.13 would benefit from amendment clarifying that the data shall be made public.

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- (b) The number of out of boundary applicants admitted and in attendance at each school, including his or her zip code and the category under which each was admitted;
- (c) The number of students enrolled at each school pursuant to the No Child Left Behind Act who reside outside of the school's attendance zone; and
- (d) For students admitted pursuant to § 2106.2(c) above, a survey of parents to determine their reasons for seeking out of boundary transfer.

DCPS Special Admissions Programs

In the early 1970s DCPS opened the city-wide magnet high schools of School Without Walls (established 1971) and the Duke Ellington School of the Arts (established 1974). In subsequent years, DCPS added the Multicultural Career Intern Program (established 1979)/Bell Multicultural High School (established 1989) (now part of the Columbia Heights Education Campus);⁵⁰ and Benjamin Banneker Academic High School (established 1981). It also re-opened McKinley Technology High School (established 2004) and Phelps Architecture, Construction, and Engineering High School (established 2008). These schools were opened to provide some choice to families and better meet the specialized needs and interests of D.C.'s students, but also to foster desegregation as other cities had done. Today, D.C. students may apply to these six special-admissions high schools through a common online application. In October 2012, 3,430 or approximately 33% of DCPS students in grades 9–12 were enrolled in one of the six special-admissions high schools.⁵¹ In addition to these six high schools, DCPS has offered city-wide special-admissions academies and programs over the years within Woodrow Wilson High School, Dunbar High School, Eastern High School, and H.D. Woodson High School.

2. Choice Between D.C. Local Education Agencies (LEAs)

Prior to 1996, DCPS was the sole local education agency (LEA) and public provider of comprehensive K–12 education services in D.C. In March 1996, the D.C. Council passed the Charter Schools Act of 1996, which granted the D.C. Board of Education (DCBOE) the authority to establish additional LEAs in the form of independent, publicly funded charter schools.⁵² Legislative records suggest that the D.C. Council—in addition to being under pressure from the congressional committee overseeing the District—was persuaded that establishing public charter schools in D.C. would “improve and expand educational opportunities for students.”⁵³ Specifically, the Committee on Education and Libraries stated that charter schools are “aimed at producing: (a) increased responsiveness to the demands of parents, students, and teachers, and (b) greater opportunities for innovation in school management and pedagogy.”⁵⁴

One month later, Congress passed the District of Columbia School Reform Act of 1995,⁵⁵ which established a D.C. Public Charter School Board (PCSB) as a separate mechanism for the creation and oversight of public charter schools.⁵⁶ These actions opened the door to a wide range of school options for D.C. K–12 students.

⁵⁰ Columbia Heights Education Campus (CHEC), which serves grades 6–12, is a hybrid in that it serves students in grades 6–8 by right within a local attendance zone inherited from Lincoln Middle School but admits students in grades 9–12 citywide via application. In SY 2012–13, 32% of CHEC's total number of students in grades 6–12 lived in the school's attendance zone.

⁵¹ OSSE SY 2012-13 audited enrollments (total of 10,429 HS students).

⁵² D.C. Law 11-135 (March 26, 1996). The Act took effect on May 29, 1996 after inaction by Congress.

⁵³ D.C. Council, Committee on Education and Libraries, Committee Report for Bill 11-318 (Oct. 23, 1995), page 2.

⁵⁴ Id. at page 3b.

⁵⁵ The Act was passed as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996.

⁵⁶ The two laws gave differing powers and responsibilities to the respective chartering authorities. Perhaps the most significant was that DCBOE charters had to apply for renewal of their charters every five years, while PCSB charters must apply for renewal only every 15 years. See D.C. Law 11-135 (March 26, 1996); D.C. Code § 38-1802.12(a).

In 2006, the D.C. Board of Education voted to relinquish its chartering authority. In 2007, as part of the D.C. Public Education Reform Act of 2007, the D.C. Board of Education no longer had direct control over DCPS and instead transferred this authority to the Mayor. During that same time, the D.C. Council transferred oversight responsibilities for all former DCBOE charter schools to the PCSB, leaving the PCSB as D.C.'s sole charter-school authorizer and regulator. In SY 2012–13, 57 charter LEAs were operating 103 campuses serving a total of 34,674 students or 43% of the D.C. public K–12 student population.⁵⁷

Student Access to Charter Schools

Unlike DCPS, charter LEAs do not have a legal responsibility to provide a free, appropriate public education to every D.C. resident student who requests it from them. Charter LEAs must be free and are held to standards through the charter authorizing process, but may “limit enrollment to specific grade levels,” may determine their own program and grade-level capacities, and may take only as many students as they see fit.⁵⁸ However, under the D.C. School Reform Act, a seat made available at a public charter school shall be open to all students in that grade level who are residents of D.C.⁵⁹ “A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs.”⁶⁰

When demand exceeds the supply of seats at a given charter school, the school must use a random selection process (lottery) to allocate seats.⁶¹ Charter schools may—*but need not*—give a preference in admission to an applicant who is a sibling of a student already attending or selected for admission to the public charter school. Moreover, charter schools may also—*but need not*—give preference to an applicant who is a child of a member of the public charter school's founding board, so long as enrollment of founders' children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less.⁶² This provision offers flexibility to the charter schools, and may be interpreted to allow them to offer these admissions preferences selectively (*i.e.*, not every year, or not to every applicant in the categories described).

Currently, each public charter LEA manages its own lottery independently. Through 2012, families have had to navigate separate applications processes for each public charter school. The result has been a cascading shuffle between waitlists and school rosters, a complicated and stressful experience for families, and uncertainty and for both families and schools. Only in 2013 did the public charter schools voluntarily hold their lotteries on the same date.

For SY 2014–15, more than 40 public charter schools will join with DCPS in a unified lottery, providing more than 9 out of 10 charter seats in preschool through 12th grade.⁶³ Parents will be able to submit one

⁵⁷ OSSE audited enrollments 2012–2013.

⁵⁸ See D.C. Code § 38-1802.06(b).

⁵⁹ See D.C. Code § 38-1802.06(a).

⁶⁰ D.C. Code § 38-1802.06(b).

⁶¹ See D.C. Code § 38-1802.06(c).

⁶² See D.C. Code § 38-1802.06(c). Additional priorities *shall* be given to certain applicants to DCPS schools that have been approved to be converted to charter schools under D.C. Code § 38-1802.01 and *may* be given to certain applicants to private or independent schools that have been approved to be converted to charter schools under D.C. Code § 38-1802.01. See D.C. Code § 38-1802.06(d).

⁶³ See <http://www.myschooldc.org>. See also http://www.washingtonpost.com/local/education/most-dc-schools-to-participate-in-unified-enrollment-lottery-starting-next-year/2013/10/08/4f65c2e8-3021-11e3-8906-3daa2bcde110_story.html.

application on which they list all of their public school choices in order of preference, including seats in DCPS and charter schools. The system will match each student with the highest-ranked available seat, with a goal of providing more certainty at an earlier date, reducing roster shuffling, and fostering increased stability in school populations during the first few weeks of school.

Most LEAs open their enrollment periods in January, but a few open them earlier. Generally, LEAs make a one- to two-page admissions application form available on paper at the LEA's site(s) and online, and require each applicant to complete and submit the form by March 15 to be included in the lottery. Most LEAs require nothing more than the application form; however, a few require additional forms, or documents. Some charter LEAs—but not all—give applicants with siblings attending or accepted to the school a preference in the lottery, either by accepting those applicants before non-sibling applicants or by placing them higher on a waitlist than non-sibling applicants.

Students' Rights to Continue in Attendance

D.C. law states that “the principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.”⁶⁴ It may be inferred from this language that, once a student has been admitted to a D.C. public charter school, the student has a right to continue in that school that he or she was admitted to for the entire academic school year unless he or she is expelled or suspended from the school. However, such a right is not explicit in the law.⁶⁵ Some charter LEAs allow continuation into the next school year if the student submits the required annual enrollment form within a certain timeframe, while others encourage re-enrollment but still do not guarantee that submission of the required forms will result in continuation.

Similarly, although a common practice among D.C. charter schools may be to grant admitted students automatic readmission in subsequent years up through the student's completion of the terminal grade level of the program, the D.C. School Reform Act of 1995 does not provide students an explicit right to continue in attendance in subsequent school years.⁶⁶ D.C. charter-school students' rights to continue in their schools are dependent upon the policies of the individual charter schools. Unlike DCPS, charter schools are not required by law to make their policies publicly accessible and they may change their policies at any time without notice to or comment by the public. The majority of sampled charter LEAs that offer middle- and/or high-school grades do not mention next-level admissions rights for current students on their Web sites at all.

3. Choice Through Public Vouchers for Attendance at Private Schools

School choice has long been available to some students and families in the form of private and parochial schools within and outside D.C.⁶⁷ In 2012, at least 55 private schools were operating in D.C.⁶⁸ According to a rough survey of available data, approximately 15–20% of D.C. elementary and secondary students chose to attend home schools or private schools in 2010. Since 2004, the federally established and funded D.C.

⁶⁴ D.C. Code § 38-1802.06(g).

⁶⁵ Following the concept that DCPS is the sole LEA charged with providing K–12 education services of right, D.C. Code § 1802.06(f) provides that “a student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.”

⁶⁶ See D.C. Code § 38-1802.06. In addition, D.C. law provides no guarantee that a student in the lower grades of a charter school may continue into the upper-grades programs operated by that charter LEA or school.

⁶⁷ In 2008, six former Archdiocesan schools were converted to public charter schools. By 2013, there remained 16 Catholic elementary/middle schools and five high schools operating in affiliation with the Catholic Archdiocese of Washington.

⁶⁸ See D.C. Opportunity Scholarship Program, SY 2012–13 Participating School Directory, page 95.

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Opportunity Scholarship Program (OSP) has provided qualifying low-income D.C.-resident students with funding, which can be used to pay the costs of homeschooling or tuition at private schools. In 2012, the payment was \$8,256 per student at the ES/MS levels and \$12,385 per student at the HS level. In SY 2012–13, 1,584 D.C. students used OSP funds to attend D.C. private schools participating in the program.⁶⁹

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⁶⁹ <http://www.dcscholarships.org/default.asp> In SY 2013–14, OSP admitted 395 new children out of more than 1,500 applications and 719 eligible applicants.

http://www.dcscholarships.org/elements/file/OSP/Press%20Releases/2013_06_03%20Press%20Release%20-%20DC%20Trust%20Awards%20New%20Scholarships%20for%20SY%202013-14.pdf

V. Texts of Relevant Current Policies

A. Compulsory Education

1. *D.C. Code § 38-202: Establishment of school attendance requirements*

(a) Every parent, guardian, or other person, who resides permanently or temporarily in the District during any school year and who has custody or control of a minor who has reached the age of 5 years or will become 5 years of age on or before September 30th of the current school year shall place the minor in regular attendance in a public, independent, private, or parochial school, or in private instruction during the period of each year when the public schools of the District are in session. This obligation of the parent, guardian, or other person having custody extends until the minor reaches the age of 18 years. For the purpose of this section placement in summer school is not required.

(b) Any minor who has satisfactorily completed the senior high school course of study prescribed by the Board and has been granted a diploma that certifies his or her graduation from high school, or who holds a diploma or certificate of graduation from another course of study determined by the Board to be at least equivalent to that required by the Board for graduation from the public senior high schools, shall be excused from further attendance at school.

(c) Any minor who has reached the age of 17 years may be allowed flexible school hours by the Superintendent of Schools provided he or she is actually, lawfully, gainfully, and regularly employed, but in no case shall he or she be excused entirely from regular attendance or excused to the extent that his or her timely graduation would be jeopardized or prevented.

(d) The Board shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to establish requirements to govern acceptable credit for studies completed at independent or private schools and private instruction, to govern the validity of applications for permission to be absent from school, to govern the selection and appointment of appropriate staff members to carry out the provisions of this chapter under the direction of the Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters within the scope of authority of the Board that relates to this subchapter.

B. Establishment of Public Charter Schools

1. *D.C. Code § 38-1802.08. Reduced fares for public transportation*

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under subchapter II of Chapter 2 of Title 35, to a student attending a District of Columbia public school.

2. *D.C. Code § 38-1802.14. Public Charter School Board*

(a) Establishment.

(1) In general. -- There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the "Board").

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(2) Membership. -- The Board shall consist of 7 members, appointed by the Mayor, with the advice and consent of the Council. Members shall be selected so that knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools;

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise;

(C) The educational, social, and economic development needs of the District of Columbia; and

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) Vacancies. -- Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member, the Mayor shall appoint, with the advice and consent of the Council, an individual to serve in the vacant position, taking into consideration the criteria described in paragraph (2) of this subsection. Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(4) Repealed.

(5) Terms of members.

(A) In general. -- Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2) of this subsection, the Mayor shall designate:

(i) Two members to serve terms of 3 years;

(ii) Two members to serve terms of 2 years; and

(iii) One member to serve a term of one year.

(B) Reappointment. -- Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) Independence. -- No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) Operations of the Board.

(1) Chair. -- The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members' terms, or when requested by a majority vote of the members of the Board.

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(2) Quorum. -- A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(3) Meetings. -- The Board shall meet at the call of the Chair, subject to the hearing requirements of §§ 38-1802.03, 38-1802.12(d)(3), and 38-1802.13(c)(3), and all meetings of the Board shall be open to the public and shall provide a reasonable time during the meeting for public comment.

(c) No compensation for service. -- Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) Personnel and resources.

(1) In general. -- Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary. The Executive Director shall be a District resident throughout his or her term and failure to maintain District residency shall result in a forfeiture of the position.

(2) Special rule. -- The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(3) District residency. -- Notwithstanding the provisions of Unit A of Chapter 14 of Title 2, each qualified District resident applicant shall receive an additional 10-point preference over a qualified non-District resident applicant for all positions within the Board unless the applicant declines the preference. This 10-point preference shall be in addition to, and not instead of, qualifications established for the position. All persons hired after February 6, 2008, shall submit proof of residency upon employment in a manner determined by the Board. An applicant claiming the hiring preference under this section shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the Director of Personnel for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment. The Board shall submit to the Mayor and Council annual reports detailing the names of all new employees and their pay schedules, titles, and place of residence.

(e) Expenses of Board. -- Any expenses of the Board shall be paid from such funds as may be available to the Mayor; provided, That within 45 days of April 26, 1996, the Mayor shall make available not less than \$ 130,000 to the Board.

(f) Audit. -- The Board shall maintain its accounts according to Generally Accepted Accounting Principles. The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General. The findings and recommendations of any such audit shall be forwarded to the Mayor, the Council of the District of Columbia, and the Office of the Chief Financial Officer of the District of Columbia.

(g) Authorization of appropriations. -- For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subchapter, there are authorized to be appropriated to the Board \$ 300,000 for fiscal year 1997 and such sums as may be necessary for each of the 3 succeeding fiscal years.

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(h) Contracting and procurement. -- The Board shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer.

(i) Freedom of Information Act. -- The Board shall comply with all provisions of subchapter II of Chapter 5 of Title 2 [§ 2-531 et seq.].

(j) The Board shall consult with the Office of the State Superintendent of Education, established by § 38-2601, to ensure that the requirements and the goals of Chapter 2A of this title [§ 38-271.01 et seq.] ("Pre-k act") are met, in accordance with that chapter.

3. D.C. Code § 38-1802.14a. Charter schools admissions task force

(a) There is established a task force that shall study providing a neighborhood preference in charter school admissions for the 2013-2014 school year. The task force shall consist of:

(1) The following 5 government officials, or their designees:

- (A) Chairman of the Public Charter School Board;
- (B) Chairman of the Council of the District of Columbia;
- (C) State Superintendent of Education;
- (D) Deputy Mayor for Education; and
- (E) Chancellor of the District of Columbia Public Schools; and

(2) The following nongovernment members:

- (A) Two representatives from charter support organizations;
- (B) A representative from the education department of a national research organization;
- (C) A representative from a national charter school organization;
- (D) Two charter school leaders selected by the Public Charter School Board Chair; and
- (E) A labor representative.

(b) The task force shall:

- (1) Be chaired by the Chairman of the Public Charter School Board, or his or her designee;
- (2) Meet at an agreed to location as often as determined necessary by the Chairman of the task force;
- (3) Explore the feasibility of offering a neighborhood preference in charter school admissions for the 2013-2014 school year; and

(4) By September 1, 2012, submit a report to the Council of its findings, which shall include:

(A) Consideration of the various ways in which a neighborhood preference can be designed, including:

(i) The pros and cons of a weighted lottery;

(ii) Setting aside of a certain percentage of new seats;

(iii) A geographically limited preference; and

(iv) A preference based on rankings in a city-wide application process;

(B) A definition of neighborhood for the purpose of setting boundaries in admissions;

(C) An examination of models that are being used in other jurisdictions and evaluation of their applicability to the District; and

(D) Recommendations based on its findings.

C. Student Assignment (DCPS)

1. Title 5 DCMR § 2001: Attendance Zones

2001.1 Attendance zones shall be established by the Board of Education, and all modifications or alterations in attendance zone boundaries shall be approved by the Board of Education.

2001.2 The Superintendent of Schools shall annually make recommendations to the Board of Education on the maintenance or alteration of established attendance zone boundaries.

2001.3 Actions to establish, modify, or alter attendance zone boundaries shall give priority consideration to the operational needs of the school system, available demographic data, and the impact upon the educational program of the school system.

2001.4 Any recommendation for the establishment or alteration of attendance zone boundaries shall include an analysis and justification based upon the factors set forth in §2001.3.

2001.5 Before the Superintendent's recommendations for the establishment, modification, or alteration of any attendance zone boundary are forwarded to the Board of Education, written notice of the proposed action shall be given to the parent or guardian of each affected student by the Assistant Superintendent(s) with jurisdiction over the affected area(s). The notice shall provide for the submission of written comments by members of the public.

2001.6 At a reasonable time after notice is given, a public hearing or meeting shall be held at which members of the public shall be invited to give testimony.

2001.7 Notice of proposed action to establish, modify, or alter any attendance zone boundary shall be published in the *D.C. Register* not less than thirty (30) days prior to approval of the proposed action by the Board of Education.

2001.8 Attendance zone boundary information for all schools shall be maintained by the Superintendent of Schools and shall be available for public inspection and review in the Office of the Superintendent of Schools, the Office of the Board of Education, the principal's office of each school, and the D.C. Public Library.

2001.9 The establishment and maintenance of "optional attendance zones" for the purpose of encouraging or maintaining racial segregation or for any purpose of unlawful discrimination is forbidden.

SOURCE: Final Rulemaking published at 24 DCR 1005, 1007 (July 29, 1977); as amended by Final Rulemaking published at 36 DCR 180, 181 (January 6, 1989).

2. Title 5 DCMR § 2002: Admission and Registration Procedures

2002.1 Application for admission to the D.C. Public Schools shall be made by registering at the school for which the student is eligible which is located in the attendance zone within which the applicant resides.

2002.2 Application for admission to the D.C. Public Schools by students who reside outside of the District of Columbia shall be made to the appropriate office to be designated by the Superintendent. Approval of any applications shall be within the discretion of the official vested by the Superintendent of Schools with such authority.

2002.3 Residence attendance zone restrictions shall not apply to the following:

- (a) Career development centers;
- (b) Special education schools or programs;
- (c) Adult education day and evening schools; or
- (d) Other schools and programs that provide city-wide curricular opportunities for all qualified students regardless of their place of residence in the District of Columbia.

2002.4 If admission to a particular school or program is not based upon residence in a particular attendance zone, initial registration may be required at the appropriate attendance zone school, as required in § 2002.1, or at another place designated by the Superintendent of Schools.

2002.5 The principal or other person in charge of registration for each school or program shall be responsible for the receipt of all applications for admission, the conduct of registration procedures, and the certification that all admission requirements and prerequisites have been properly met by the student and that each student is provided a copy of Section 2401 (Student Bill of Rights) upon registration.

2002.6 Prior to the admission of a student the adult student, or the student's parent or guardian shall be required to provide documentary proof of the date of birth of each registering student. Proof of age may include, but is not necessarily limited to, any one (1) of the following:

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- (a) An original or certified true copy of the student's official birth certificate;
 - (b) A valid, unexpired passport which gives the student's date of birth;
 - (c) A sworn (notarized) affidavit of the student's correct date of birth. Affidavit forms shall be available from each principal or other person responsible for admission and registration procedures;
 - (d) An official transcript from the last school attended which includes the student's date of birth; or
 - (e) An original or certified true copy of the student's baptismal certificate which includes the student's date of birth.
- 2002.7 A minor student must be accompanied at registration by a parent or guardian.
- 2002.8 The parent or guardian shall provide the following information for each registering minor student:
- (a) Full name of the student;
 - (b) Full name, home address, and work address of each parent, guardian, or other person having custody or control of the minor student for the purpose of admission;
 - (c) The home and work telephone numbers of each parent, guardian, or other responsible adult or, in each case, the telephone number through which each person may be contacted at home and at work;
 - (d) The name and telephone number of a person or persons who should be contacted in case of an emergency;
 - (e) The name, address, and telephone number of the student's physician, clinic, or other person or agency where the student's medical records are located;
 - (f) The date of registration; and
 - (g) The manner or type of admission.
- 2002.9 An adult student shall not be required to provide information about the adult student's parent or guardian, but shall provide the appropriate items of information about himself or herself.
- 2002.10 The principal or other person responsible for admission or enrollment may require the following
- (a) The principal or other person responsible for admission and enrollment procedures shall require the submission of at least three (3) documents indicating District of Columbia residency as defined in § 2099, in order to determine whether the student is eligible to

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attend a D.C. public school or program without payment of non-resident tuition, pursuant to the provisions of §§ 2000.2 and 2000.3.

- (b) The principal or other person responsible for admission and enrollment procedures has the discretion, upon demand, the parent, court appointed guardian or custodian to provide verification of District of Columbia residency for both current and initially enrolling children/adult students.
 - (c) The documents that shall be accepted for verification of residency for current D.C. Public School students shall be the same indicators of residency required to be submitted for a child/adult initially seeking admission to a D.C. public school.
 - (d) The parent, court-appointed guardian or custodian shall have ten (10) school days to provide the indicators of residency requested. If the required information is not provided in the requested time period, which can be extended at the discretion of the Superintendent or the Superintendent's designee, arrangements must be made to enroll as a non-resident student and pay all non resident tuition, as set forth in § 2007.
 - (e) Failure to provide the requested information or pay the required tuition will result in exclusion from D.C. Public Schools, subject to tuition waiver authority provided in § 2000.2(e) above.
- 2002.11 District residency shall be determined pursuant to the District of Columbia Nonresident Tuition Act of 1960, effective September 8, 1960 (74 Stat. 853; D.C. Official Code § 38-302 et seq.).
- 2002.12 Any person who supplies false information to the D.C. Public Schools in connection with student residency verification shall be subject to a penalty not to exceed five hundred dollars (\$500). The case of any such person may also be referred to the Office of the United States Attorney for the District of Columbia for consideration for prosecution.
- 2002.13 The documents that shall be accepted for verification of residency for current D.C. Public School students shall be the same indicators of residency required to be submitted for a child/adult initially seeking admission to a D.C. public school.
- 2002.14 The parent, court-appointed guardian or custodian shall have ten (10) school days to provide the indicators of residency requested. If the required information is not provided in the requested time period, which can be extended at the discretion of the Superintendent or the Superintendent's designee, arrangements shall be made to enroll as a non-resident student and pay all non-resident tuition, as set forth in § 2007.
- 2002.15 Failure to provide the requested information or pay the required tuition will result in exclusion from D.C. Public Schools, subject to the tuition waiver authority provided in § 2000.2(e).
- 2002.16 District of Columbia residency shall be established through the use of satisfactory documentation as follows:
- (a) One of the following items shall be required to establish District of Columbia residency:

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- (1) Proof of payment of D.C. personal income tax by a parent or guardian for the tax period closest in time to the consideration of District of Columbia residency;
 - (2) A current (i.e., issued less than forty-five (45) days prior to consideration of residency) tax withholding statement which contains a parent's or guardian's name and evidence of his or her District of Columbia residency; or
 - (3) Current official documentation of financial assistance from the District government including, but not limited to, Temporary Assistance for Needy Families (TANF), housing assistance or other programs, etc.;
- (b) In addition, two (2) or more of the following items shall be required to establish District residency:
- (1) A vehicle registration showing the parent's or guardian's name and evidencing District of Columbia residency;
 - (2) Title to residential property in the District of Columbia, or a valid, unexpired lease agreement and paid receipts or canceled checks (for a period within the two (2) months immediately preceding consideration of residency) for payment of rent on a District residence in which applicant actually resides.
 - (3) A valid, unexpired D.C. Motor Vehicle Operator's Permit, or nondriver's identification;
 - (4) Maintenance of District of Columbia voter registration; and
 - (5) One (1) or more utility bills and paid receipts or canceled checks (from a period within the two (2) months immediately preceding consideration of residency), showing the parent's or guardian's name and a District of Columbia residence; and
- (c) If the parent, court-appointed guardian or custodian cannot provide the documents described in this subsection (e.g., in the case of a homeless student), the Superintendent or the Superintendent's designee has the discretion to grant an exemption to the required indicators of District of Columbia residency to permit attendance in a D.C. public school.

2002.17 Any person who supplies false information to the D.C. Public Schools in connection with student residency verification shall be subject to a penalty not to exceed five hundred dollars (\$500). The case of any such person may also be referred to the Office of the United States Attorney for the District of Columbia for consideration for prosecution.

2002.18 The principal or other person responsible for admission and registration procedures shall keep a record of the removal of any student from the rolls of the school or program and any subsequent readmission of the student.

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- 2002.19 All records and information received and maintained pursuant to this section shall be subject to the requirements and restrictions set forth in Chapter 26.
- 2002.20 Except as provided otherwise in this section, the entrance-level placement of each student shall be individually determined by the principal or other person in charge of the school or program.
- 2002.21 Entrance-level placements for handicapped students shall be determined by referral of the student for assessment and evaluation pursuant to the provisions of Chapter 30.
- 2002.22 Bilingual and non-English speaking students shall be referred for placement determination to the Office of Bilingual Education, and the appropriate placement determination shall be transmitted to the principal or other person in charge of the school or program.
- 2002.23 Entrance-level placement determinations may be challenged under the rules and procedures set forth in Chapter 24, except for challenges to proposed placements for handicapped students which shall be made pursuant to the rules and procedures set forth in Chapter 30.
- 2002.24 A local school administrator shall not exclude from admission or attendance any compulsory school-aged minor who resides in his or her school's attendance zone or who has been placed in his or her school by the Division of Special Education or the Division of Bilingual Education, unless the minor has been involuntarily transferred. This includes, but is not limited to, the following:
- (a) All minors who will be five (5) years of age on or before December 31st in the current school year and have not yet reached the age of eighteen (18) years;
 - (b) Teen-aged parents who have responsibility for the care of their children;
 - (c) Adjudicated or previously incarcerated youth who return to school voluntarily or by legal mandate;
 - (d) Minors awaiting special education evaluation for appropriate placement; and
 - (e) Compulsory school-aged minors residing temporarily in a shelter, halfway house or similar facility or having no fixed address. The minor may elect to continue enrollment in the local school serving his or her last permanent domicile.
- 2002.25 Administrators shall place the eligible students in appropriate educational programs compatible with their last grade completed pending evaluative studies or alternative placement when necessary.

SOURCE: Final Rulemaking published at 24 DCR 1005, 1008 (July 29, 1977); as amended by 36 DCR 180, 182 (January 6, 1989); by 40 DCR 1573 (February 26, 1993); by 45 DCR 2329, 2330 (April 17, 1998); and by 49 DCR 7513, 7516 (August 2, 2002); and D.C. Act 15-487, 51 DCR 8509 (September 3, 2004).

3. Title 5 DCMR § 2105: Transfers Due to Change of Address

- 2105.1 Except as provided otherwise in this chapter, a student shall be required to attend the school for which the student is eligible which serves the attendance zone established for his or her place of residence, as defined in § 2199.
- 2105.2 A student whose place of residence within the District of Columbia changes from one attendance zone to a different attendance zone shall be transferred to the school serving the attendance zone where the student's new place of residence is located. This requirement is subject to the exceptions set forth in §§ 2105.5 and 2105.7.
- 2105.3 Transfers due to change of address shall be effected by the principal of the school from which the student is being transferred.
- 2105.4 Prior to effecting a transfer due to change of address, the principal shall do the following:
- (a) Verify the validity of the change of address;
 - (b) Identify the proper school serving the attendance zone where the student's new place of residence is located; and
 - (c) Notify the student's parents or guardian, or the adult student, in writing of the proposed transfer, including the following information:
 - (1) The name and location of the school to which the student will be transferred;
 - (2) The effective date of the transfer;
 - (3) The exceptions to the transfer requirement provided by §§ 2105.5 and 2105.7, and the procedures for making application for an exception; and
 - (4) The right to appeal the transfer and the procedures for bringing an appeal.
- 2105.5 To provide for continuity of instruction, especially in the case of high school seniors scheduled to graduate the following June, the principal may authorize the continued attendance of the student at the school currently being attended for the remainder of the term or school year.
- 2105.6 Requests for permission to continue in attendance at a school out-of-zone must be made to the principal by the student's parent or guardian, or by the adult student, prior to the effective date of the transfer.
- 2105.7 The provisions of § 2106 may be applied to a student whose change of place of residence would require a transfer under this section. A student who meets the requirements of § 2106 for out-of-zone attendance may be allowed to remain at the school currently being attended notwithstanding his or her change of address.

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- 2105.8 An adult student, or a minor student's parent or guardian, may appeal a transfer due to change of address on either of the following grounds:
- (a) The student's actual and lawful place of residence, as defined in Chapter 2199, is within the attendance zone for the school currently being attended; or
 - (b) The denial of a request to remain at the school currently being attended pursuant to §§ 2105.5 or 2105.7 was arbitrary or in violation of the rules of the Board of Education.

2105.9 Appeals of transfers shall be brought using the rules and procedures set forth in § 2504.

SOURCE: Final Rulemaking published at 24 DCR 1005, 1031 (July 29, 1977).

4. Title 5 DCMR § 2106: Out-Of-Boundary Transfers

2106.1 Nothing in this section shall be interpreted to:

- (a) Supersede a measure adopted by the Chancellor that is necessary to comply with Federal requirements related to the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et seq., Title I of the No Child Left Behind Act, 20 U.S.C. §§ 6301, et seq., or the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, et seq.; or
- (b) Require the displacement from his or her current school of any student attending a D.C. public school pursuant to an out-of-boundary transfer at the time this section becomes effective.

2106.2 An adult student, an emancipated student, or a minor student's parent or guardian may apply for an out-of-boundary transfer for any of the following reasons:

- (a) The student's sibling currently attends the requested school;
- (b) The student resides within a reasonable walking distance of the requested school as determined in accordance with § 2106.3; or
- (c) The adult student or minor student's parent or guardian prefers the requested school to his or her designated in-boundary school.

2106.3 A student shall be deemed to reside within a reasonable walking distance of the requested school if his or her residence is located within the perimeter of a theoretical square, with a north-south orientation, in which the school is in the center and the sides of the square are three thousand feet (3000 ft.) for elementary and k- eight (8) schools or five thousand feet (5000 ft.) for middle schools.

2106.4 An application for an out-of-boundary transfer for the following school year shall be submitted through the formal application process which shall be defined and publicized by DCPS. An application shall be submitted no earlier than January 28th and no later than February 28th of the then-current school year and shall state the reasons for the request. The Chancellor or his or her designee shall send a response to any such request no later than March 31st.

2106.5 In reviewing the request for out of boundary transfers, the Chancellor shall verify stated reasons for the request and fairly administer a lottery held in DCPS headquarters, giving preferences to students in accordance with the reasons for their transfer requests in the same order as those reasons appear in § 2106.2.

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- 2106.6 The Chancellor, and only the Chancellor, is authorized to grant a discretionary transfer and set the duration of the approval of the transfer when the Chancellor determines that the transfer would be in the best interests of the student, and that the transfer would promote the overall interests of the school system.
- 2106.7 The Chancellor may designate a given school, program, or academy, including an early childhood school or program, as a specialized school, program, or academy due to the unique academic character of the school, program, or academy and the importance of matching children's needs and strengths to the mission of a school, program, or academy. When applicable, the Chancellor shall determine admission criteria for any approved specialized school, program, or academy for adoption by the Board.
- 2106.8 Each year, the Chancellor shall inform all DCPS students and parents of the availability of all DCPS specialized schools, programs, and academies.
- 2106.9 Students applying to specialized schools, programs, or academies must meet the specific criteria established for the schools, programs, or academies to which they are applying. Eligibility requirements and selection criteria shall be published and made available upon request to parents. When there are more students than there are available vacancies, students who are ranked equally on the selection criteria shall be selected by lottery.
- 2106.10 The number of spaces available to students transferring from out of boundary schools shall be determined annually through a standardized process set forth by the Chancellor or designee. The number of vacancies and updated information about the application process shall be shared with parents and the public prior to the out-of-boundary transfer review period and in sufficient time to allow parents to make informed choices about school options for the coming academic year.
- 2106.11 Students who are admitted to schools outside the attendance zones established for their place of residence shall be entitled to attend these schools for the duration of their participation in the academic program except in the following circumstances:
- (a) If the students are involuntarily transferred pursuant to § 2107 or;
 - (b) If the students are admitted to specialized schools, programs, or academies and the students no longer meet the criteria established for the specialized schools, programs, or academies.
- 2106.12 A student who has been admitted to a school outside the attendance zone for his or her place of residence which has been designated as a feeder school by the Chancellor shall be entitled to attend the next-level school in the designated feeder pattern upon the student's completion of the program at the feeder school.
- 2106.13 The Chancellor shall report annually on the impact of the implementation of § 2106.1 through 2106.5 by collecting data including, but not limited to:
- (a) The number of children seeking out of boundary transfers from each school and zip code, the school(s) and zip code to which they sought to transfer, and the priority category under which each applied;
 - (b) The number of out of boundary applicants admitted and in attendance in each school and zip code and the category under which each was admitted;
 - (c) The number of students enrolled at each school pursuant to the No Child Left Behind Act who reside outside of the school's attendance zone; and

- (d) For students admitted pursuant to § 2106.2(c) above, a survey of parents to determine their reasons for seeking out of boundary transfer.

2106.14 REPEALED

2106.15 Parents shall be entitled to appeal the denial of eligibility through the student grievance procedure set forth in § 2405. Any such grievance shall be resolved prior to the commencement of the lottery process.

SOURCE: Final Rulemaking published at 43 DCR 5777 (October 25, 1996); as amended by Final Rulemaking published at 50 DCR 1850 (February 28, 2003); as amended by Final Rulemaking published at 53 DCR 1542 (March 3, 2006); as amended by Final Rulemaking published at 53 DCR 9195 (November 10, 2006); as amended by Notice of Emergency and Proposed Rulemaking published at 57 DCR 146 (January 1, 2010)[EXPIRED]; as amended by Notice of Final Rulemaking published at 59 DCR 60 (January 6, 2012).

5. Title 5 DCMR § 2109: High School Selection Transfers

- 2109.1 A student shall be granted the opportunity for transfer, pursuant to this section, to high schools with special programs having specific entrance requirements, specialized curricula, and specific student performance requirements; provided, however, that a transfer under this section shall be granted only to the extent it is possible to do so without overcrowding schools, displacing other students, or disrupting the educational process.
- 2109.2 A transfer granted pursuant to this section shall become effective at the beginning of a school year in September, and shall remain in effect during the entire period the student remains at the school; provided, however, that a student who enrolls in the public high schools of the District of Columbia after the beginning of the school year may be granted a transfer under this section at the time of his or her application.
- 2109.3 A student who has enrolled in school pursuant to a transfer received under this section shall continue attendance at the high school of his or her choice for the remainder of the school year, unless the student applies and is eligible for a transfer under allowances set forth in §§ 2105 and 2106 of this chapter.
- 2109.4 A student who lives within a school's attendance zone shall be given priority over a student seeking to transfer into the school.
- 2109.5 A student who qualifies for a transfer to programs at designated high schools that are prime partners with career centers shall be given priority over other students seeking to transfer to the school pursuant to this section.
- 2109.6 In the event the number of students to transfer into a school under this section exceeds the available space, transfers shall be determined by an impartial random selection process established by the Superintendent of Schools.

SOURCE: Final Rulemaking published at 32 DCR 6888 (November 29, 1985).

6. Title 5 DCMR § 2199: Definitions

2199.1 Unless the same term or phrase is defined in § 2199.2, the definitions set forth in § 2099 are incorporated in this chapter by reference and shall apply to the terms and phrases used in this chapter.

2199.2 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Feeder School” - a school that, upon students’ completion of the educational program offered at the school, sends its students to a particular higher-level school designated by the Chancellor.

“Feeder Pattern”- the group of schools within an attendance zone that, upon students’ completion of the educational program at each school, sends students to a particular higher-level school designated by the Chancellor.

“Sibling”- a child who:

- (a) Has at least one parent or legal guardian in common with a current DCPS student; and
- (b) Resides in the same household as the student.

“Specialized schools, programs and academies”- schools or programs that have specific admissions requirements and selection criteria, and that have been approved by the Chancellor.

SOURCE: Final Rulemaking published at 24 DCR 1005, 1065 (July 29, 1977); as amended by Final Rulemaking published at 33 DCR 5776 (September 19, 1987); and by Final Rulemaking published at 40 DCR 1573, 1574 (February 26, 1993); as amended by Final Rulemaking published at 47 DCR 989, 990 (February 18, 2000); as amended by Final Rulemaking published at 50 DCR 1850 (February 28, 2003).

D. Student Assignment (Public Charter Schools)

1. *D.C. Code § 38-1802.06: Student admission, enrollment, and withdrawal*

(a) Open enrollment. -- Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia and, if space is available, to nonresident students who meet the tuition requirement in subsection (e) of this section.

(b) Criteria for admission. -- A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) Random selection. -- If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process, except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment, or to an applicant who is a child of a member of the public charter school's founding board, so long as enrollment of founders' children is limited to no more than 10% of the school's total enrollment or to 20 students, whichever is less.

(d) (1) Admission to an existing school. -- A District of Columbia public school that has been approved to be converted to a charter school under § 38-1802.01 shall give priority in enrollment to:

(A) Students enrolled in the school at the time the petition is granted;

(B) The siblings of students described in subparagraph (A) of this paragraph; and

(C) Students who reside within the attendance boundaries, if any, in which the school is located.

(2) A private or independent school that has been approved to be converted to a charter school under § 38-1802.01 may give priority in enrollment to the persons described in paragraph (1)(A) and (1)(B) of this subsection for a period of 5 years, beginning on the date its petition is approved.

(e) Nonresident students. -- Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) Student withdrawal. -- A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) Expulsion and suspension. -- The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

VI. Current DCPS Attendance Zones

A. Current DCPS Elementary-School Attendance Zones

Source: http://dcps.dc.gov/DCPS/Files/downloads/SCHOOLS/DCPS_ELEM_K8_ATTZONES_20122013A.pdf

B. Current DCPS Middle-School Attendance Zones

Source: http://dcps.dc.gov/DCPS/Files/downloads/SCHOOLS/DCPS_MIDDLE_ATTZONES_20122013.pdf

C. Current DCPS High-School Attendance Zones

Source:

http://dcps.dc.gov/DCPS/Files/downloads/SCHOOLS/DCPS_High_School_Att_Zones_Update_082012.pdf

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VII. Current DCPS Feeder Patterns

ELEMENTARY	MIDDLE	HIGH	
Ketcham ES	Kramer MS	Anacostia HS (8 ES–3,259)	
Orr ES			
Randle Highlands ES			
Savoy ES			
Stanton ES			
Beers ES	Sousa MS		
Kimball ES			
Plummer ES			
Hendley ES	Hart MS		Ballou HS (9 ES–3,484)
King ES			
Leckie ES			
Patterson ES			
Simon ES			
Garfield ES			
Malcolm X @ Green ES	Johnson MS		
Moten ES			
Turner ES			
Bancroft ES*	Columbia Heights EC or Deal MS	Cardozo EC or Wilson HS	
Cleveland ES	Cardozo Ed. Campus 6-8	Cardozo Education Campus 9-12 (11 ES–3,998)	
Garrison ES			
Marie Reed ES			
Ross ES			
Seaton ES			
Bruce-Monroe/Park View ES	Columbia Heights Ed. Campus 6-8		
H.D. Cooke ES			
Tubman ES			
Powell ES			
Raymond PS-8			
School Without Walls @Francis-Stevens PS-8	Coolidge HS (5 ES–1,840)		
Brightwood PS-8			
Brookland at Bunker Hill PS-8			
LaSalle-Backus PS-8			
Takoma PS-8			
Whittier PS-8	Dunbar HS (6 ES–2,423)		
Burroughs PS-8			
Noyes PS-8			
Walker-Jones PS-8			
Wheatley PS-8			
Langdon PS-8			
Langley ES		McKinley Tech. Ed. Campus (6-8)	

ELEMENTARY	MIDDLE	HIGH	
Maury ES	Eliot-Hine MS	Eastern HS (12 ES–5,405)	
Miner ES			
Payne ES			
Tyler ES			
Capitol Hill Montessori ES @Logan*	Eliot-Hine MS or Jefferson Academy MS		
Brent ES			
Amidon-Bowen ES	Jefferson Academy MS		
Thomson ES	Stuart-Hobson MS		
J.O. Wilson ES			
Watkins ES			
Peabody PK-K (via Watkins)			
Ludlow-Taylor ES			
Browne PS-8			
Barnard ES*	West PS-8 or Truesdell PS-8		Roosevelt HS @MacFarland (3 ES–1,422)
Truesdell PS-8			
West PS-8			
Bancroft ES*	Deal MS or Columbia Hts EC		Wilson HS or Cardozo HS
Oyster-Adams Bilingual PS-8**	Deal MS or Oyster-Adams Bilingual PS-8		Wilson HS (12 ES–6,977)
Janney ES	Deal MS		
Lafayette ES			
Murch ES			
Shepherd ES			
Hearst ES			
Eaton ES*	Deal MS or Hardy MS		
Hyde/Addison ES	Hardy MS		
Key ES			
Mann ES			
Stoddert ES	Kelly Miller MS		
Aiton ES			
C.W. Harris ES			
Drew ES			
Nalle ES			
Smothers ES			
Burrville ES			
Houston ES			
Thomas ES			
Woodson HS (8 ES–2,762)			

* Current split of feeder rights may be temporary.

** Deal MS is an option only for *in-boundary* Oyster-Adams students.

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SCHOOLS NOT IN A FEEDER PATTERN		
School Within A School ES @ Goding (PS-2)		
Ballou STAY (Adult)		
Roosevelt STAY (Adult)		
APPLICATION SCHOOLS		
Banneker HS	Ellington School of the Arts HS	Phelps AC&E HS
Columbia Heights EC	McKinley Tech. HS	School Without Walls HS

ASSIGNMENT SCHOOLS
Sharpe Health (ungraded)
Mamie D. Lee (ungraded)
Luke Moore HS (9–12)
C.H.O.I.C.E. Academy at Emery (6–12)
Washington Metropolitan HS (9–12)
Youth Services Center (6–12)
Incarcerated Youth Program

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