

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the establishment of a unified lottery and common application for DCPS and public charter schools, to provide for outreach regarding educational opportunities and to direct the Office of the State Superintendent of Education to establish a process for the unified lottery; and to amend Title 5 of the District of Columbia to establish a process for the unified lottery.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Unified Public Education Lottery Act of 2013”.

TITLE I. ESTABLISHMENT OF UNIFIED LOTTERY

Sec. 101. Short title.

This title may be cited as the “Unified Lottery Establishment Act of 2013”.

Sec. 102. Definitions.

For purposes of this title, the term:

(1) “Chancellor” means the chief executive officer of DCPS.

(2) “DCPS” means the District of Columbia Public Schools agency established under D.C. Official Code § 38-1802.

(3) “Local education agency” or “LEA” means DCPS and the public charter schools.

(4) “Out-of-boundary school” means a school outside of a student’s attendance zone.

1 (5) "Parent" means a natural parent, adoptive parent or step-parent, or any person who
2 has legal custody by court order or marriage.

3 (6) "Public Education Resource Center" or "PERC" means a Public Education Resource
4 Center operated by the Office of the Student Advocate, as established by the Parent and Student
5 Empowerment Act of 2013.

6 (7) "Public charter school" means a public school in the District of Columbia approved
7 by an eligible chartering authority.

8 Sec. 103. Establishment of unified lottery and common application.

9 (a) Beginning for the 2015-2016 school year, the Office of the State Superintendent of
10 Education ("OSSE") shall establish and conduct a unified lottery process ("unified lottery") for
11 students seeking admission to out-of-boundary schools within District of Columbia Public
12 Schools ("DCPS") and public charter schools.

13 (b) OSSE shall develop a common application to be used as part of the unified lottery that
14 at minimum allows parents who choose to participate in the unified lottery to select up to eight
15 school preferences for each student and list them in ranked order.

16 (c) OSSE shall solicit input from the Chancellor and the Public Charter School Board
17 ("PCSB") in establishing the unified lottery and common application.

18 Sec. 104. School participation in unified lottery.

19 (a) Beginning on January 1, 2015, and every January 1 thereafter:

20 (1) The Chancellor shall submit a written report to OSSE that includes an estimate
21 of the number of seats that will be available at each grade at each DCPS school for the next
22 school year; and

1 (2) The PCSB shall submit a written report to OSSE that includes an estimate of
2 the number of seats that will be available at each grade at each public charter school for the next
3 school year.

4 (b) An LEA may opt out of the unified lottery by providing written notice to OSSE of its
5 decision no later than January 1.

6 Sec. 105. Outreach.

7 (a) OSSE shall coordinate and conduct an outreach process to inform parents and
8 students about educational opportunities within DCPS and public charter schools. Such outreach
9 shall utilize a broad range of activities to inform students and parents of the available school
10 options, and shall include:

11 (1) The development of informational materials, such as brochures and enrollment
12 guides, describing the educational programming available at each school and school performance
13 indicators; such materials shall be made available online and in hard copy;

14 (2) The coordination of an annual citywide school fair with representatives from
15 each school participating in the unified lottery;

16 (3) Training PERC staff on the unified lottery and school enrollment process; and

17 (4) Sharing information about educational opportunities and programming through
18 media, social networking, and Internet-based tools and technologies.

19 (b) By January 1 of each year, the Chancellor and the PCSB shall submit to OSSE in
20 writing information on educational programming for each DCPS school and each public charter
21 school participating in the unified lottery

22 Sec. 106. Student participation; non-discrimination.

1 (a) A student who participates in the unified lottery but does not accept a seat as offered
2 through the unified lottery shall retain his or her seat at the school he or she attended at the time
3 of the lottery.

4 (b) No student participating in the application process shall be subject to discrimination
5 by reason of the student's race, color, religion, national origin, citizenship status, sex, marital
6 status, personal appearance, sexual orientation, family responsibilities, political affiliation,
7 handicapping condition, or any other basis of unlawful discrimination under the laws of the
8 District of Columbia.

9 Sec. 107. Exceptions.

10 Unless directed by the Chancellor, this Act shall not apply to career development centers,
11 special education schools or programs, adult education day and evening schools, or the following
12 DCPS specialized high schools: Banneker Senior High School; Columbia Heights Education
13 Campus; Duke Ellington School of the Arts; McKinley Technology High School; Phelps
14 Architecture, Construction, and Engineering High School; and School Without Walls Senior
15 High School.

16 Sec. 108. Unified lottery; process.

17 (a) OSSE shall issue regulations that specify the manner in which OSSE will conduct the
18 lottery provided for in this act and may include priorities for students who have siblings in a
19 school, for students based on socioeconomic status, for students who have a parent or guardian
20 who is a teacher or staff member at the school, or based on such other factors as OSSE may
21 deem appropriate.

1 (b) If OSSE fails to issue such regulations required by subsection (a) by December 1,
2 2014, the process set forth in the Unified Lottery Process Establishment Act of 2013 shall
3 govern the unified lottery until amended through regulation by OSSE.

4 Sec. 108. Rulemaking.

5 The State Superintendent of Education shall promulgate regulations pursuant to section
6 3(b)(11) of the State Education Office Establishment Act of 2000, effective October 21, 2000
7 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)(11)), necessary for the implementation of
8 this title.

9 TITLE II. UNIFIED LOTTERY PROCESS

10 Sec. 201. Short title.

11 This title may be cited as the “Unified Lottery Process Establishment Act of 2013”.

12 Sec. 202. Subtitle A of Title 5 of the District of Columbia Municipal Regulations is
13 amended by inserting a new chapter 22 to read as follows:

14 “2200. Purpose.

15 “2200.1. This chapter establishes the process for the unified lottery for students seeking
16 admission to out-of-boundary DCPS schools and public charter schools as required under the
17 Unified Lottery Establishment Act of 2013 (“Unified Lottery Act”).

18 “2201. Unified lottery; first round.

19 “2201.1 No later than January 15, the Office of the State Superintendent of Education
20 (“OSSE”) shall make the common application developed pursuant to the Unified Lottery Act
21 available online, in each DCPS school and public charter school, and in each PERC.

22 “2201.2 Parents who choose to participate in the first round of the unified lottery shall
23 submit applications no later than March 15.

1 “2201.3 No later than March 31, OSSE shall notify:

2 “(a) The parent of each applicant of the applicant’s assigned school;

3 “(b) The Chancellor of the lottery results for DCPS schools; and

4 “(c) The PCSB of the lottery results for public charter schools.

5 “2201.4. The parent of a student assigned to a DCPS school through the lottery who
6 wishes to accept that assignment shall submit a completed enrollment form to DCPS no later
7 than April 15. If the parent fails to timely submit a completed enrollment form, OSSE shall
8 assign the student to his or her current school; provided, that such an assignment shall not
9 prohibit a student from attending the DCPS school in his or her attendance zone as a matter of
10 right.

11 “2201.5. The parent of a student assigned to a public charter school through the lottery
12 who wishes to accept that assignment shall submit a completed enrollment form to the student’s
13 assigned public charter school no later than April 15. The student and his or her parent shall also
14 satisfy all school-specific admission requirements by April 15. If the parent fails to timely submit
15 a completed enrollment form or satisfy all school-specific admission requirements, OSSE shall
16 assign the student to his or her current school; provided, that such an assignment shall not
17 prohibit a student from attending the DCPS school in his or her attendance zone as a matter of
18 right.

19 “2201.6. No later than May 1, the Chancellor and the PCSB shall submit to OSSE an
20 electronic file containing the names and identification numbers of students who have completed
21 the enrollment process for each public school.

22 “2202. Unified lottery; second round.

1 “2202.1 A parent who has accepted a seat for a student in an out-of-boundary DCPS
2 school or in a public charter school may not participate in the second round of the lottery unless
3 the parent forfeits the student’s reserved seat awarded by virtue of the first round of the lottery.

4 “2202.2 No later than May 15, OSSE shall make the common application developed
5 pursuant to the Unified Lottery Act available online, in each DCPS school and public charter
6 school, and in each PERC.

7 “2202.3 Parents who choose to participate in the second round of the unified lottery shall
8 submit applications no later than May 31.

9 “2202.4 No later than the June 15, OSSE shall notify:

10 “(a) The parent of each applicant of the applicant’s assigned school;

11 “(b) The Chancellor of the lottery results for DCPS schools; and

12 “(c) The PCSB of the lottery results for public charter schools.

13 “2202.5 The parent of a student assigned to a DCPS school through the lottery who
14 wishes to accept that assignment shall submit a completed enrollment form to DCPS no later
15 than June 30. If the parent fails to timely submit a completed enrollment form, OSSE shall assign
16 the student to his or her current school; provided, that such an assignment shall not prohibit a
17 student from attending the DCPS school in his or her attendance zone as a matter of right.

18 “2202.6. The parent of a student assigned to a public charter school through the lottery
19 who wishes to accept that assignment shall submit a completed enrollment form to the student’s
20 assigned public charter school no later than June 30. The student and his or her parent shall also
21 satisfy all school-specific admission requirements by June 30. If the parent fails to timely submit
22 a completed enrollment form or satisfy all school-specific admission requirements, OSSE shall
23 assign the student to his or her current school; provided, that such an assignment shall not

1 prohibit a student from attending the DCPS school in his or her attendance zone as a matter of
2 right.

3 “2202.7 No later than July 15, the Chancellor and the PCSB shall submit to OSSE an
4 electronic file containing the names and identification numbers of students who have completed
5 the enrollment process for each public charter school in the second round of the admission
6 process.

7 “2202.8 After assigning available seats to applicants in the second round of the lottery,
8 OSSE shall maintain wait pools for schools with more applicants than available seats for a grade
9 level. Once a seat becomes available at a school with a wait pool, OSSE shall randomly assign to
10 that school a student from the wait pool. All wait pools shall dissolve on September 30 and shall
11 not be used to fill open seats thereafter.

12 “2203. Definitions.

13 “2203.1. For purposes of this chapter:

14 “Chancellor” means the chief executive officer of DCPS.

15 “DCPS” means the District of Columbia Public Schools agency established under D.C.
16 Official Code § 38-1802.

17 “Out-of-boundary school” means a school outside of a student’s attendance zone.

18 “Parent” means a natural parent, adoptive parent or step-parent, or any person who has
19 legal custody by court order or marriage.

20 “Public Education Resource Center” or “PERC” means a Public Education Resource
21 Center operated by the Office of the Student Advocate, as established by the Parent and Student
22 Empowerment Act of 2013.

1 “Public charter school” means a public school in the District of Columbia approved by an
2 eligible chartering authority.

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4 **TITLE III. GENERAL PROVISIONS**

5 **Sec. 301. Fiscal impact statement.**

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

9 **Sec. 302. Effective date.**

10 This act shall take effect following approval by the Mayor (or in the event of veto by the
11 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
12 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
13 24, 1973 (87 Stat. 813: D.C. Official Code § 1-206.02(c)(1)) and publication in the District of
14 Columbia Register.

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