
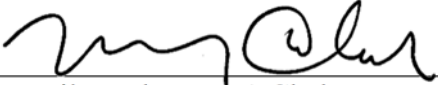
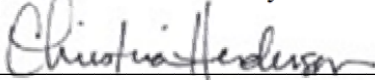



1 
2 Councilmember Robert White

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4 Councilmember Mary Cheh

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6 Councilmember Christina Henderson

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8 Councilmember Brianne Nadeau


Chairman Phil Mendelson


Councilmember Janeese Lewis-George


Councilmember Charles Allen


Councilmember Kenyan McDuffie

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14 A PROPOSED RESOLUTION

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18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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23 To declare on an emergency basis, that the District of Columbia Public School (DCPS)
24 system or any public charter school local education agency (LEA) provide a
25 distance learning program that complies with the Individual with Disabilities
26 Education Act and Section 504 of the Rehabilitation Act of 1973 if recommended
27 by a physician, nurse practitioner, or physician assistant to students with certain
28 high-risk medical conditions or to students who live with individuals with certain
29 high-risk medical conditions, as well as to make clear that those students are
30 considered enrolled in the LEA for the purposes of the enrollment audit, school
31 payment process, and other reasons as determined by the Office of the State
32 Superintendent of Education, even if the student is not physically attending the
33 LEA; to mandate a tiered COVID-19 asymptomatic testing program; to provide
34 that each DCPS and public charter school shall notify parents whenever a student
35 attending, or a staff member working at, the school tests positive for the COVID-
36 19 virus; to require certain reporting requirements related to COVID-19 cases by
37 the Department of Health and certain reporting by the Department of General
38 Services and DCPS on DCPS facility issues; to direct the Department of
39 Consumer and Regulatory Affairs (DCRA) to expedite the permitting process for
40 LEAs that request permits for outdoor eating and learning structures and
41 equipment and to waive any associated fines if DCRA does not issue the permits
42 within 3 weeks of receiving the permit application; and to amend an Act To
43 provide for compulsory school attendance, for the taking of a school census in the
44 District of Columbia, and for other purposes to define excused absences as
45 including certain absences related to COVID-19 infections during school year
46 2021-22..

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48 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
49 this resolution may be cited as the “Protecting Our Children Emergency Declaration
50 Resolution of 2021”.

51 Sec. 2. (a) There exists an immediate need for schools to expand existing
52 distance learning programs to serve students with certain medical conditions and students
53 that live with adults that are immunocompromised and at greater risk of becoming
54 seriously ill due to infection from the COVID-19 virus. The Council has received
55 countless requests from parents for the expansion of virtual learning options for all
56 students for the 2021-22 school year, regardless of a student’s medical condition, and to
57 allow for the recommendation, and not requirement, from a physician to serve as
58 sufficient authorization for student to participate in virtual learning. The current policy
59 limits parents’ ability to choose the best educational option for their student and while in-
60 person instruction is widely recognized as the best way to educate students, families need
61 the increased flexibility to mitigate the risk of severe illness from COVID-19 in their
62 household.

63 (b) Currently, families who have made the choice to keep their student home due
64 to the reasons discussed in subsection (a) are incurring unexcused absences for the days
65 that their student has not been in school physically, leading to forced dis-enrollments
66 from their LEA which impacts the certainty of future school placement. As families
67 choose to take advantage of the expanded virtual learning option, it’s imperative that
68 students remain enrolled in their current LEA, even if the student has not physically
69 attended the LEA, so that they do not experience an interruption in schooling.
70 Additionally, it is imperative that the LEA receive funding for that child. Further,

71 students whose families who have made the choice to keep them home due to concerns
72 around the safety of the school environment and school buildings should be able to
73 receive an excused absence from their school. The bill grants the school the ability to
74 provide this excused absence through January 15, 2022.

75 (c) Due to the need for many students to quarantine because they have either
76 tested positive for the COVID-19 virus or it was determined that the student was a close
77 contact of someone who tested positive for the virus, it is imperative that students who
78 are forced to quarantine do not incur unexcused absences for their time in quarantine. The
79 Council receive testimony from members of the public to suggest that unexcused
80 absences are being incurred for close contacts, which in some cases, has triggered a
81 referral to the Children and Family Services Agency that oversees and investigates
82 violations of the truancy laws in the District. Families who are asked to quarantine
83 because it has been determined that they are close contacts should not trigger referral and
84 students should not have to incur unexcused absences for their time away from the
85 classroom due to circumstances beyond their control. School leaders should have the
86 ability to determine if a student absence will be excused.

87 (d) Widespread testing of asymptomatic individuals is critical to prevent
88 transmission and school-wide outbreaks of the COVID-19 virus. The Office of the State
89 Superintendent for Education (OSSE) has stated that they will aim test 10-20% of
90 students each week, though many LEA's have yet to test even 10% of students since the
91 testing program began. The emergency would mandate each school to conduct weekly
92 asymptomatic testing for the COVID-19 virus based on a tiered approach, with schools
93 testing at least 10% of its' students before November 1, 15% by November 1, and 20%

94 between November 15, 2021 and January 15, 2022. This significantly ramps up the
95 preventative measures in each school, giving parents and families increased security and
96 assurance regarding safety at their schools. In addition, schools must increase
97 transparency with families by notifying parents or guardians in a timely manner when an
98 individual tests positive in the school.

99 (e) Schools are experiencing delays in receiving the necessary permitting to build
100 outdoor eating and learning structures that would aid in the ability of classrooms to eat
101 and conduct instruction outside of the school building on school grounds. The
102 Department of Consumer and Regulatory Affairs (DCRA) must issue permits within 3
103 weeks of receiving the application or waive all fines associated. Schools must take every
104 measure to protect students and school staff and outdoor eating and learning is a practice
105 that should not be delayed.

106 (f) Lastly, reporting is necessary to ensure transparency around the COVID-19
107 spread across schools and to increase visibility into the ongoing work of the Department
108 of General Services in preparing and maintaining each school facility and student and
109 staff safety. Increased reporting requirements provide a clearer window into the
110 mitigation strategies being used in schools.

111 Sec. 3. The Council of the District of Columbia determines that the
112 circumstances enumerated in section 2 constitute emergency circumstances making it
113 necessary that the Protecting our Children Emergency Amendment Act of 2021 be
114 adopted after a single reading.

115 Sec. 4. This resolution shall take effect immediately.