



Chairman Phil Mendelson

**AN AMENDMENT (#1A)**

Bill 24-403, "Protecting Our Children Emergency Amendment Act of 2021"  
Bill 24-413, "Protecting Our Children Temporary Amendment Act of 2021"  
(Emergency and First Reading Temporary Version)  
October 5, 2021

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**Amendment #1:**

Section 101 is amended as follows:

(a) A new paragraph (2A) is added to read as follows:

“(2A) “Elementary school student” means a student enrolled in grades pre-kindergarten 3 through fifth grade during School Year 2021-2022.”.

(b) A new paragraph (4A) is added to read as follows:

“(5) Secondary school student” means a student enrolled in grades sixth through twelfth during School Year 2021-2022.”.

**Amendment #2:**

Section 102(a) is amended to read as follows:

“(a)(1) During School Year 2021-2022, an LEA shall provide distance learning to a student who is enrolled in the LEA and who is ineligible for a vaccine that is approved and authorized in the United States to prevent COVID-19 if a licensed physician, nurse practitioner, or physician assistant has recommended that the student participate in distance learning and not in-person school because:

“(A) The student has a documented medical condition that puts the student at high risk of severe illness from COVID-19, consistent with the guidance of the Centers for Disease Control and Prevention; or

“(B) The student’s in-person attendance would endanger an individual in the student’s household because the individual has a documented medical condition, as defined by the Centers for Disease Control and Prevention, that places the individual at high risk of severe illness from COVID-19.

“(2) DCPS may limit the total number of students who receive distance learning pursuant to paragraph (1) of and this subsection to 200 elementary school students and 150 secondary school

students in addition to those students already enrolled in its virtual learning academy as of October 5, 2021.

“(3) A public charter school LEA may limit the total number of students who receive distance learning instruction pursuant to paragraph (1) of this subsection; provided, that the limit shall be no less than 3% of the total number of students enrolled in the public charter school LEA.”.

**Rationale:** These amendments clarify that in order for a student to be eligible to receive distance learning instruction pursuant to section 102 of Bills 24-403 and 24-413, the student must be ineligible for an approved and authorized COVID-10 vaccination, as well as meeting the additional criteria. Notably, the requirement that students must be ineligible for the COVID-19 vaccination applies only to the additional students who will now qualify for the expanded distance learning and not to students who have or will qualify for a medical exception because their physicians have indicated that they are required to receive distance learning under the Office of the State Superintendent of Education’s current process. Additionally, these amendments allow DCPS and the public charter school LEAs to cap the number of students to whom they offer distance learning. DCPS is asserting a cost that is unable to be absorbed by the agency unless these amendments are included as part of the bill. Additionally, the public charter schools also need a cap of three percent. Thus, a cap is included for both sectors in order for the fiscal impact associated with the bill to be absorbed.

**Amendment #3:**

The lead-in language in paragraph (3) of amendatory Title II, Section 201(a) is amended to read as follows:

“(3) The absence of a minor from a District of Columbia Public Schools school or public charter school shall be deemed excused if:”.

**Rationale:** This amendment is necessary to ensure that the definition for excused absences only applies to DCPS and public charter schools and not to educational institutions, which would include private, parochial, and independent schools.