



Chairman Phil Mendelson

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare on an emergency basis with respect to the need to amend the Immunization of School Students Act of 1979 to allow for electronic submission of immunization certifications by private physicians or the public health authorities and to require that eligible students in the District of Columbia receive a vaccination that is fully approved in the United States to prevent against COVID-19; and to amend Chapter 1 of Subtitle A of Title 5 of the District of Columbia Municipal Regulations to require all licensed Child Development Facilities to maintain a record of COVID-19 immunization for their staff.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Coronavirus Immunization of School Students and Early Childhood Workers Regulation Emergency Declaration Resolution of 2021”.

Sec. 2. (a) There exists an immediate need to decrease the spread of COVID-19, especially in cohort settings like schools and childcare centers.

(b) As of December 7, 2021, almost 1,200 individuals in the District have died from COVID-19 and over 68,000 individuals have tested positive of COVID-19. Of those 68,000+, 12,721 of those individuals have been between the ages of 0-19.

(c) Although children are often less affected than older adults, students with certain medical conditions are at a much greater risk of contracting the virus and of being

38 more adversely affected. Additionally, COVID-19 cases continue to permeate in schools
39 with whole schools, such as Johnson Middle School and Whittier Education Campus,
40 having to be shut down due to the number of positive cases and hundreds of students
41 being considered close contacts.

42 (d) On August 23, 2021, the vaccine known as the Pfizer-BioNTech COVID-19
43 Vaccine was fully approved by the U.S. Food and Drug Administration for the prevention
44 of COVID-19 disease in individuals 16 years of age and older.

45 (e) As studies have shown, the COVID-19 vaccination reduces the risk of
46 COVID-19 and its potentially severe complications. In addition to providing protection
47 against COVID-19, there is increasing evidence that COVID-19 vaccines also provide
48 protection against COVID-19 infections without symptoms (asymptomatic infections)
49 and can reduce the spread of disease overall.

50 (f) The Council has received multiple requests from parents for a vaccine
51 requirement, not recommendation, for all eligible students for the 2021-22 school year.
52 The current policy disallows enrollment in school without proper vaccination.

53 (g) This bill requires that beginning March 1, 2022, all students must provide a
54 certification of COVID-19 immunization or documentation demonstrating that the
55 student is exempt from COVID-19 immunization. In order to provide necessary time and
56 sufficient notice, this requirement will not be enforced until the start of School Year
57 2022-2023.

58 (h) As follows, all children under the age of 5 in childcare facilities are currently
59 unvaccinated, as there exists no eligible vaccine for this age group. Unvaccinated adults
60 caring for young children present serious risk of spreading the COVID-19 virus. This bill

61 would also require all staff employed at child development facilities licensed by the
62 Office of the State Superintendent receive a full COVID-19 vaccination and provide
63 related documentation annually.

64 (i) Multiple families and local education agencies (LEA) report a disconnect in
65 vaccine reporting. In order to clear communication channels, this bill will require student
66 certifications of all immunization data to be electronically transmitted by either a private
67 physician or the public health authorities directly to the student’s local education agency.

68 (j) On October 4, 2021, the Coronavirus Immunization of School Students and
69 Early Childhood Workers Amendment Act of 2021 was introduced as permanent
70 legislation. Upon a hearing, this bill received a first vote at the December 7, 2021
71 Legislative Meeting. The date for which eligible students are required to be fully
72 vaccinated in three months away. As follows, an emergency need exists to mandate
73 student vaccination to allow for timely notice.

74 (k) D.C. Act 24-190, the “Protecting Our Children Emergency Amendment Act of
75 2021” and D.C. Act 24-241, the “Protecting Our Children Temporary Amendment Act of
76 2021” require each District of Columbia Public Schools and public charter school to
77 conduct weekly asymptomatic testing for the COVID-19 virus of at least 20% of its
78 students attending in-person learning from November 15, 2021 through January 15, 2022.
79 While the Council was hopeful that the number of COVID-19 cases would be declining,
80 and thus, less of a need for asymptomatic testing, the opposite is true due to the spread of
81 the Omicron variant. Therefore, due to the recent rise in the COVID-19 positive cases
82 and the spread of this new variant, the requirement for testing 20% of all of their students

83 – both vaccinated and unvaccinated – is being extended from January 15, 2022 to April 1,
84 2022.

85 Sec. 3. The Council of the District of Columbia determines that the
86 circumstances enumerated in section 2 constitute emergency circumstances making it
87 necessary that the Coronavirus Immunization of School Students and Early Childhood
88 Workers Regulation Emergency Amendment Act of 2021 be adopted after a single
89 reading.

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