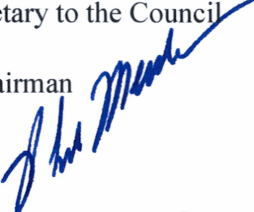


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: June 29, 2026

RE: **Notice of Intent to move an amendment in the nature of a substitute at the June 30, 2026 Legislative Meeting**

This memorandum serves as notice that I intend to move an amendment in the nature of a substitute (ANS) for the following measure on second reading at the July 30, 2026 Legislative Meeting:

- **Bill 26-430, Education Code Adjustments Amendment Act of 2026**

The amendment in the nature of a substitute (ANS) makes technical changes suggested by the Office of General Counsel and makes substantive changes to the following provisions:

- Lead exposure prevention provision (new)
- The Child Care Bureau Provision (new)
- Local Education Agency (LEA) and the Office of the State Superintendent of Education (OSSE) Attendance Reporting
- Deputy Mayor for Education (DME) 10-Year Boundary Study Provision
- Student Fair Access Amendment
- Pre-k annual capacity audit and report
- OSSE Residency Fraud Report Amendment
- Green, sustainable schools program (new)
- OSSE Non-Public Placement One-Time Report Repeal (new)
- Authority to issue administrative subpoenas (new)
- Course Data Collection (new)
- Military Interstate Children's Compact Commission Amendment
- Coronavirus Immunization Regulations (new)

Each substantive change is detailed below.

Lead Exposure Prevention (Sec. 4)

The ANS includes a new section that aligns our statutory language with current practices at the Department of Energy and the Environment (DOEE) and OSSE and eases the administrative burden by making an annual report biennial. DOEE has been the primary author of the report since the reporting requirement was introduced and requests that the statutory language reflect this role. The language retains OSSE's role in consultation, and DOEE will provide OSSE with the report's findings. Both agencies need access to relevant information when communicating with child development facilities. Moving from an

annual report to a biennial report reduces the administrative burden on DOEE and OSSE while maintaining the necessary, consistent oversight of child development facilities.

Child Care Bureau (Sec. 6)

The ANS repeals the Child Care Bureau, which no longer exists. The Child Care Bureau was expected to provide the District government with a single administrative unit focused on Childcare and has since been subsumed within the Division of Early Learning within OSSE.

LEA and OSSE Attendance Reporting (Sec. 8)

The ANS revises section 6 to rewrite the entire subsection to align it with modern drafting standards. Additionally, the language on Chronic Absenteeism, the number of students whose attendance improved after referral to an SST, and the requirements included in OSSE's public dashboard have been clarified and revised based on feedback from the Executive.

DME 10-Year Boundary Study Provision (Sec. 9)

The ANS provides clarifying and revised language to include both DC Public and Public Charter Schools in the 10-Year boundary study.

Student Fair Access Amendment (Sec. 10)

In addition to technical edits, clarifying that the annual report includes an assessment of the longer-term impact of the District's disciplinary policies and practices, the ANS removes the requirement that OSSE use the Youth Behavior Impact Survey (YBIS) and school climate surveys for a specific analysis of disciplinary trends. While providing extensive, valuable insights, the YBIS offers limited information on school discipline policies and practices. Importantly, the Youth Behavior Risk Survey data will continue to be published biennially on OSSE's website.

Additionally, the ANS removes the requirement that OSSE publicly report on disciplinary data from community-based organizations (CBOs). Data collected from CBOs on this topic is difficult to collect and verify and therefore is administratively burdensome for OSSE. Much of the information requires n-size suppression, revealing significantly less about disciplinary policies and practices than data collection from LEAs.

Pre-k Annual Capacity Audit (Sec. 11)

The ANS includes technical edits and language clarifying the inclusion of benchmarks to measure annual achievements in the Pre-K system in the annual report. The ANS also repeals a requirement that OSSE provide data on the number of children for whom pre-k is unavailable and who would attend but for that unavailability. OSSE cannot, and has never been able to, collect this information as part of its annual capacity audit.

OSSE Residency Fraud Report Amendment (Sec. 13)

Following input from the General Counsel and OSSE, the annual residency fraud report deadline in the Committee Print has been adjusted from September 15th to October 15th. This change was recommended by the Office of General Counsel to keep the language simple and clear without losing the 2026 reporting requirement.

Green and Sustainable Schools (Sec. 17)

In early 2026, the U.S. Department of Education paused its Green Ribbon Schools Program.¹ The ANS revises the language in the Healthy Schools Act of 2010 to reflect that change and provide OSSE a means to recognize school achievements in green and sustainable school initiatives. Moreover, the language revises a requirement that OSSE provide a stipend to teachers and grants to schools to participate in the Environmental Literacy Leadership Cadre. Funding has not been appropriated for these stipends and grants. All other ANS edits are technical, clarifying revisions.

OSSE Non-Public Placement One-Time Report Repeal (Sec. 21)

The ANS removes a one-time reporting requirement to evaluate and review the process of appealing OSSE’s decision to deny, revoke, or renew a Certificate of Approval for placement of students with Disabilities in Nonpublic placements. This was a one-time reporting requirement.

Authority to Issue Administrative Subpoenas (Sec. 22)

The ANS adds a new provision granting OSSE the authority to issue administrative subpoenas to conduct enrollment and residency investigations. OSSE, through its Office of Enrollment and Registration (OER), investigates enrollment and residency matters but cannot currently compel the production of records during the investigative stage, often delaying access to critical documentation until cases reach an administrative hearing. This additional provision would allow OER to obtain relevant records earlier in the process from landlords, utility companies, businesses, other relevant third parties, or government agencies, as needed, to verify residency or enrollment information. Granting this authority would improve the accuracy, efficiency, and timeliness of investigations. Other agencies have administrative subpoena power, including the Department of Health, the Office of the Inspector General, and the Department of Human Services.

Course Data Collection (Sec. 22)

OSSE has oversight responsibilities, including oversight of federal funds, school performance, services for students with disabilities, state academic standards, and assessments. However, OSSE cannot currently compel LEAs to share information about the courses offered or the curricula taught. This provision requires LEAs to submit course offerings and curriculum to OSSE upon request. OSSE will use this information to increase the efficiency and quality of its oversight functions and ensure the continued utility of its Course Data Collection. This information is foundational to other enacted and envisioned systems, including the Education Through Employment Pathways data system and a “digital backpack” or electronic file-transfer system.

Military Interstate Children’s Compact Commission Amendment (Sec. 26)

The ANS revises the number of State Council members required for a quorum from three in the Committee Print to four (in current law it is five). Additional feedback and discussion with the Office of General Counsel prompted this revision.

Coronavirus Immunization Regulations (Sec. 27)

The ANS repeals a requirement that OSSE issue regulations mandating COVID-19 vaccination for licensed child development facility staff. The Council repealed the requirement for students to be immunized, but has not yet repealed the requirement that OSSE issue these regulations. Repealing these

¹ Stephens, Caitlynn Peetz. *Ed. Dept. Quietly Ends an Honor for Schools’ Environmental Work*. (March 13, 2026). Education Week. Retrieved from <https://www.edweek.org/policy-politics/ed-dept-quietly-ends-an-honor-for-schools-environmental-work/2026/03>

regulations removes immunization requirements for child development facilities that are inconsistent with local and federal law.