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2 Councilmember Robert White

_____ Chairman Phil Mendelson

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5 Councilmember Mary Cheh

_____ Councilmember Lewis-George

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8 Councilmember Christina Henderson

_____ Councilmember Charles Allen

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11 Councilmember Brianne Nadeau

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14 A BILL

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19 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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23 To require, on an emergency basis, that the District of Columbia Public School (DCPS) system
24 or any individual or group of public charter schools operating under a single charter in
25 the District to expand an existing distance learning program to students with certain high-
26 risk medical conditions to learn from home on recommendation from a physician and to
27 students who live with an individual with a high-risk medical condition if the student is
28 ineligible for a COVID-19 vaccine; to amend, on an emergency basis, an Act To provide
29 for compulsory school attendance, for the taking of a school census in the District of
30 Columbia, and for other purposes to define excused absences as including certain
31 absences related to COVID-19 infections during school year 2021-22; and to require, on
32 an emergency basis, certain reporting requirements related to COVID-19 cases at each
33 local education agency and DCPS facility issues

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35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 act may be cited as the “Protecting Our Children Emergency Act of 2021”.

37 Sec. 2. Expansion of Virtual Education.

38 (a) During School Year 2021-2022, a student shall be entitled to distance learning at any
39 LEA in the manner that the LEA currently provides, or is prepared to provide, distance learning

40 as of September 27, 2021 or thereafter, if the student is unable to attend school in person due to a
41 recommendation from a physician or nurse practitioner that:

42 (1) The student participate in distance learning based on a documented medical
43 condition as defined by the Centers for Disease Control and Prevention that puts the student at
44 high risk of severe illness from COVID-19; or

45 (2)(A) If the student were to attend school in-person, the student would place an
46 individual in the student’s household at high risk of severe illness from COVID-19 due to a
47 documented medical condition as defined by the Centers for Disease Control and Prevention;
48 and

49 (B) If the student is ineligible for a vaccine that is approved and
50 authorized in the United States to prevent COVID-19.

51 (b) For the purposes of this section, the terms:

52 (1) “Distance learning” means virtual instruction provided through simulcasting
53 or streaming a classroom, or another mechanism that provides a student with instruction while
54 the student is not physically present in school.

55 (2) "LEA" means local education agency, which is the District of Columbia
56 Public School system or any individual or group of public charter schools operating under a
57 single charter in the District.

58 **Sec. 3. Reporting Requirements.**

59 (a) On or before November 1, 2021, local education agencies (“LEA”) operating in the
60 District of Columbia shall make the following information available on the LEA’s website, by
61 week:

- 62 (1) The number of students testing positive for COVID-19, by school and grade
63 level;
- 64 (2) The number of school personnel testing positive for COVID-19, by school;
- 65 (3) The number of students currently in quarantine, by school and grade level; and
- 66 (4) The number of school personnel in quarantine, by school;

67 (b) On or before November 1, 2021, and every two weeks following, the Department of
68 General Services (“DGS”) shall transmit to the Council and post on the DGS website:

- 69 (1) A list of open work orders for HVAC units serving school facilities, including
70 the status of any repairs and the anticipated repair date; and
- 71 (2) The date of the most recent inspection of HVAC units, by school.

72 (c) On or before November 1, 2021, and every two weeks following, the District of
73 Columbia Public Schools shall transmit to the Council and post on the DCPS website a list of
74 unfulfilled school requests for outdoor learning equipment, by school, which shall include tents,
75 outdoor furniture, and electric and wi-fi hookups, and shall include the anticipated date of the
76 equipment’s delivery and installation, where appropriate.

77 (d) For the purposes of this section, the term “local education agency” or “LEA” means
78 the District of Columbia Public School system or any individual or group of public charter
79 schools operating under a single charter in the District.

80 Sec. 4. An Act To provide for compulsory school attendance, for the taking of a school
81 census in the District of Columbia, and for other purposes, approved February 4, 1925 (43 Stat.
82 806; D.C. Official Code § 38-201, *et seq.*) is amended as follows:

83 (a) Section 1 of Article 1 (D.C. Official Code § 38-201) is amended by adding a new
84 paragraph (2A-1) to read as follows:

85 “(2A-1) “Excused absence” means a student’s absence from in-person
86 school:

87 “(A) With a valid excuse listed in 5 DCMR § A2102.2;

88 “(B) For School Year 2021-2022:

89 “(i) Because the student or a member of the student’s
90 household has been determined to be a close contact, pursuant to current Department of Health
91 guidelines, of a person who has tested positive for the COVID-19 virus, and the period of
92 absence is not longer than the period of quarantine recommended by the Department of Health;
93 or

94 “(ii) For the period of time during which a student did not
95 receive distance learning, as defined in Section 2(b) of this Act, but would have been eligible to
96 receive distance learning pursuant to Section 2(a)(2) had this Act been in effect; or

97 “(C) That the student’s school has determined to be an excused
98 absence.”.

99 (b) Section 7(c)(1) of Article II (D.C. Official Code § 38-208(c)(1)) is amended by
100 adding a new subparagraph (D) to read follows:

101 “(D) During school year 2021-22, a referral made pursuant to
102 subparagraphs (A) or (B) of this paragraph shall include any information the educational
103 institution has that would indicate whether the absences listed in the referral are because the
104 student or a member of the student’s household has been determined to be a close contact of a
105 person who has tested positive for the COVID-19 virus.”.

106 Sec. 5 Fiscal impact statement.

107 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
108 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
109 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-307.47a).

110 Sec. 6. Effective date.

111 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
112 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
113 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
114 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
115 Stat. 788; D.C. Official Code § 1-204.12(a)).

DRAFT