



MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Robert C. White, Jr. 
DATE: January 12, 2022
RE: Request to Agendize an Emergency Legislation for the January 18, 2022
Additional Legislative Meeting

I write to request that the following measures be placed on the agenda for the January 18, 2022 Additional Legislative Meeting, should one be scheduled:

- **Public Health Emergency Credit Alert Emergency Declaration Resolution of 2022**
- **Public Health Emergency Credit Alert Emergency Amendment Act of 2022**
- **Public Health Emergency Credit Alert Temporary Amendment Act of 2022**

These measures would require credit reporting agencies to accept a personal statement from a consumer indicating the consumer experienced financial hardship resulting from a public health emergency and prohibit some users of credit reports from taking into consideration adverse information in a report that was the result of the consumer's action or inaction that occurred during the public health emergency. It also requires credit reporting agencies to notify residents of their right to request a personal statement and provides for civil action for violations of this section.

The Council previously enacted similar legislation in the Coronavirus Support Temporary Amendment Act of 2021, but that measure will expire on February 4, 2022. Legislation is necessary to ensure these provisions remain in effect while the Council considers permanent legislation, B24-553, which was introduced on December 2, 2021.

- **Returning to School Safely Emergency Declaration Resolution of 2022**
- **Returning to School Safely Emergency Act of 2022**

The Omicron variant of the virus that causes COVID-19 has led to a dramatic, exponential increase in cases in the District of Columbia, making the District a national hotspot for the virus. More than 6,000 cases were reported in the District over the weekend of January 8 and 9. On January 11, Mayor Bowser instituted a limited COVID-19 public health emergency. The recent surge in cases has further exacerbated the tremendous challenges accompanying a return to in-person learning this fall for the District's school communities, leading to confusion and fear among staff, students, and families. This emergency legislation seeks to reduce some of that added stress by requiring (1) notification to families and guardians within 24 hours of a positive case in their student's class, (2) reporting on which schools have not yet been assigned a COVID Strategy and Logistics Coordinator and a full-time building substitute, and (3) reporting on the percentage of students per school undergoing weekly asymptomatic testing.

This emergency legislation will require schools to notify families, both electronically and through the families' preferred contact method, of positive cases in their students' classroom



within 24 hours of a positive case. From December 23 to December 26, 2021, over 2500 DCPS students and 800 DCPS staff tested positive for COVID-19. Notifications to families of these positive cases were delayed significantly. This was particularly detrimental right before a break in which members of the school community planned to visit loved ones or travel and were not timely aware of an exposure. Families and teachers need prompt notification of positive cases found in the classroom to avoid further spread. Notification within 24 hours of a positive case will allow families and educators to take proactive steps to take a test and limit contact with vulnerable populations while thorough contact tracing is taking place. Currently, the practice is for schools to send notification via email. Because not every family has regular access to email, requiring schools to use a families' preferred contact method, in addition to email, will ensure that all families are receiving prompt notice regardless of access. On January 7, 2022, Deputy Mayor Paul Kihn informed Councilmembers that DCPS is notifying families within 24 hours if there has been a positive case in their child's class, while contact tracing continues. This emergency legislation codifies that commitment to ensure continued timeliness.

This legislation requires DCPS to report to Council a list of schools that have not yet received a COVID Strategy and Logistics Coordinator and a full-time building substitute. Teachers, principals, and other school-based staff are being asked to do more as the COVID-19 pandemic continues. The Mayor directed funding to give DC Public Schools more support, including funds for a COVID Strategy & Logistics Coordinator and a full-time substitute teacher. Reporting is necessary to ensure transparency on staffing and school capacity to meet the challenges of the pandemic.

Finally, the legislation requires DCPS to report to Council the percentage of asymptomatic testing performed in each school on a weekly basis. In October 2021, Council required the Mayor to conduct weekly asymptomatic testing in schools of 20% of the student population. That requirement expires in the coming weeks. The [CDC recommends](#) schools complete asymptomatic screening testing at least once per week. At the Mayor's [January 10, 2022 Situational Update](#), State Superintendent for Education Dr. Grant stated schools will continue random asymptomatic testing at a rate of 20% with the ability to test up to 30% when case rates are high. These reporting requirements will allow the Council to continue oversight as DCPS continues to respond COVID-19.

While Council is limited in what it can do with emergency legislation, it is critical that decision makers and school communities understand to the greatest extent possible what is going on in schools. Additionally, I will continue to call on the Mayor, Chancellor, OSSE, and other education leaders to implement additional protections that were not possible to include in this measure. This includes reinstating COVID leave for teachers, expanding asymptomatic testing to all students every week, immediately providing schools with the promised tents, heaters, and other equipment to facilitate outdoor eating and testing, among other requests Council has heard from teachers and families.

Drafts of the measures are attached. If you have any questions regarding this measure, please contact Katie Whitehouse, Legislative Director, kwhitehouse@dccouncil.us.



cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director