

1 
2 Chairman Phil Mendelson


Councilmember Janeese Lewis George

7 A BILL

11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

17 To require, on an emergency basis, that all public schools report on the readiness of their facilities
18 for in-person learning at the start of schoolyear 2022-23 including the condition of their
19 HVAC units, the status of HEPA filters, air quality monitors, the status of safety systems
20 including whether all interior and exterior doors lock properly, fire alarm systems, security
21 surveillance systems, and technology; to require OSSE to report on school-level
22 compliance with required routine pediatric immunizations requirements as well as outreach
23 efforts to improve compliance; and to require DCPS to report on the status of staff,
24 volunteer and contractor applications in its suitability clearance process.

27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28 act may be cited as the “Back-to-School Safely Emergency Act of 2022”.

29 **TITLE I. REPORTING ON PUBLIC SCHOOL FACILITY READINESS.**

30 Sec. 101. Definitions.

31 For the purposes of this chapter, the term:

32 (1) “Condition” means a rating of good, fair, or poor that assesses the operational
33 effectiveness of a building system.

34 (2) “DCPS” means District of Columbia Public Schools.

35 (3) “Device” means a laptop or tablet capable of supporting distance or in-person
36 digital learning.

37 (4) “Facilities Condition Assessment” means a review of each school building as
38 required by

39 (5) “HVAC” means heating, ventilation, and air conditioning system.

40 (6) “LEA” means local education agency, which is the District of Columbia
41 Public School system or any individual or group of public charter schools operating under a
42 single charter in the District.

43 (7) “In-Life Cycle” means a device that is three years or newer, and a Smart
44 Board that is seven years or newer.

45 (8) “School” means an educational institution with the same meaning as defined
46 in § 38–201 (2A).

47 (9) “Smart Board” means an interactive whiteboard posted on a wall and
48 connected to the Internet.

49 Sec. 102. Air Quality.

50 (a) No later than August 12, 2022, each LEA shall report the following by campus:

51 (1) The condition of each HVAC unit, including at minimum information from
52 the school’s most recent Facility Condition Assessment, provided, that the LEA may supplement
53 this information with an HVAC status update based on more recent capital investments or other
54 significant HVAC changes if available;

55 (2) The total quantity of mobile and fixed HEPA filters on-site; and

56 (3) The total quantity of air quality monitors on site.

57 (b) Reporting required under (a) shall be updated monthly.

58 Sec. 103. Safety Systems.

59 (a) No later than August 12, 2022, each LEA shall report the following to the Council by
60 school:

61 (1) The percentage of exterior doors with locks that lock;

62 (2) The percentage of interior doors with locks that lock;

63 (3) The condition of the school's public address system, including at minimum
64 the school's most recent Facility Condition Assessment, provided, that the LEA may supplement
65 this information with a system update based on more recent capital investments or other
66 significant changes if available;

67 (4) The condition of the school's fire alarm system, including at minimum the
68 school's most recent Facility Condition Assessment, provided, that the LEA may supplement this
69 information with a system update based on more recent capital investments or other significant
70 changes if available; and

71 (5) The condition of the school's security surveillance system, including at
72 minimum the school's most recent Facility Condition Assessment, provided, that the LEA may
73 supplement this information with a system update based on more recent capital investments or
74 other significant changes if available.

75 (b) Reporting required under (a) shall be updated monthly.

76 (c) Reporting required under (a) and (b) may be anonymized.

77 Sec. 104. Technology.

78 (a) No later than August 12, 2022, each LEA shall report the following by school:

79 (1) The number and percentage of classrooms with a functional, in-life cycle

80 Smart Board;

81 (2) The number and percentage of enrolled students with a functional, in-life
82 cycle device; and

83 (3) The number and percentage of teachers with a school-issued functional, in-life
84 cycle device;

85 (4) For DCPS schools, the number of students who reported not having access to
86 reliable home internet connection on their enrollment form.

87 (b) Reporting required under (a) shall be updated monthly.

88 **TITLE II. REPORTING ON IMMUNIZATIONS.**

89 Sec. 201. Definitions.

90 For the purposes of this chapter, the term:

91 (1) “DOCIIS” means an internet-based data system maintained by DC Health that
92 collects, stores, tracks, and monitors immunization event information for residents and visitors to
93 the District.

94 (2) “Excused absence – Immunization” means the attendance code to use for a
95 student who was previously removed from school but is allowed to return after the school
96 secures immunization certification.
97 reclassified as “excused absence – immunization” when the student returns.

98 (3) “LEA” means local education agency, which is the District of Columbia
99 Public School system or any individual or group of public charter schools operating under a
100 single charter in the District.

101 (4) “Non-compliant student” means a student who does not have valid
102 immunization certification (e.g., there is no record in DOCIIS or no written document in the
103 student’s school health file confirming the required immunization has been administered that the

104 student is proceeding in accordance with immunization series requirements, or that the student is
105 exempt from the immunization requirements).

106 (5) “OSSE” means the Office of the State Superintendent of Education.

107 (6) “School” means a school in the DCPS system or an individual public charter
108 school.

109 (7) “Unexcused absence – immunization” means the attendance code for schools
110 to use for a non-compliant student who is removed from school after the 20-school day period
111 has passed and is not receiving educational services.

112 Sec. 202. Student Immunizations.

113 (a) No later than August 12, 2022, OSSE shall report the following:

114 (1) The percentage of enrolled students that are non-compliant students by school
115 and LEA;

116 (2) The percentage of enrolled students that are non-compliant students by Ward
117 of school; and

118 (3) The total number of students coded as “Excused absence – Immunization” and
119 “Unexcused absence – Immunization” each week.

120 (b) From August 26, 2022 through September 30, 2022, OSSE shall update reporting
121 from (a) on a weekly basis. After September 30, 2022, OSSE shall update reporting from (a)
122 every two weeks.

123 Sec. 203. Outreach Efforts.

124 (a) No later than August 1, 2022, DC Health shall report the following:

125 (1) The dates, times, and addresses of where Children’s National mobile health
126 vans will be available to the public during the next seven calendar days;

127 (2) The number of students served at each site;

128 (b) OSSE shall update reporting from (a) on a weekly basis.

129 **TITLE III. REPORTING ON DCPS CLEARANCE PROCESS.**

130 Sec. 301. Definitions.

131 For the purposes of this chapter, the term:

132 (1) “Clearance process” means the suitability screening process for determining if
133 staff members, volunteers, or contractors are eligible to provide direct, unsupervised contact with
134 children or youth.

135 (2) “Fully Processed” means a clearance application has completed the suitability
136 clearance process, resulting in either clearance or non-clearance.

137 (2) “DCPS” means District of Columbia Public Schools.

138 (3) “Queue” means a suitability clearance process that is in progress but not yet
139 fully processed.

140 (4) “Staff” means an individual directly employed by an LEA either full-time or
141 part-time and individuals who are applicants for full-time or part-time positions.

142 (6) “Volunteers and OST partners” means individuals employed or affiliated with
143 outside organizations with agreements with an LEA to provide services or support before,
144 during, or after the school day on a part-time or full-time basis.

145 Sec. 302. Staff clearances.

146 (a) No later than August 12, 2022, DCPS shall report the following:

147 (1) The percentage of staff who submitted applications for the clearance process
148 since June 1, 2022, and their applications have been fully processed through the clearance
149 process;

150 (2) The percentage of staff who submitted applications for the clearance process
151 since June 1, 2022, and their applications have not been fully processed, broken down into the
152 following groups:

153 (A) Percentage in the queue for 15 business days or less;

154 (B) Percentage in the queue for 16 business days or more.

155 (b) DCPS shall update reporting from (a) no later than the end of each month.

156 Sec. 303. Volunteer and OST Partner clearances.

157 (a) No later than August 12, 2022, DCPS shall report the following:

158 (1) The percentage of volunteers and Out-of-School-Time (OST) partner staff
159 who submitted applications since June 1, 2022, and their applications have been fully processed
160 through the clearance process;

161 (2) The percentage of volunteers and Out-of-School-Time (OST) partner staff
162 who submitted applications since June 1, 2022, and their applications have not been fully
163 processed, broken down into the following groups:

164 (A) Percentage in the queue for 15 business days or less;

165 (B) Percentage in the queue for 16 business days or more.

166 (b) DCPS shall update reporting from (a) no later than the end of each month.

167 **TITLE IV. FISCAL IMPACT STATEMENT.**

168 The Council adopts the fiscal impact statement in the committee report as the fiscal
169 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
170 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

171 **TITLE V. EFFECTIVE DATE.**

172 (a) This act shall take effect following approval by the Mayor (or in the event of veto by

173 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
174 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
175 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
176 Columbia Register.

177 (b) This act shall expire after 90 days of its having taken effect.

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