

Councilmember Elissa Silverman

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require, on an emergency basis, the establishment of a pandemic advisory learning council comprised of individuals representing the Mayor, labor unions, and parents or guardians of District of Columbia Public Schools students to discuss and guide decisions of the District of Columbia Public Schools related to education, safety, and student support delivery through remote and in-person settings, to require the establishment of in-person learning threshold metrics, to require reporting of specific education and public health data related to in-person learning, and to require randomized offers of COVID-19 tests once a certain number of students are learning in-person.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “DCPS Pandemic Learning Emergency Act of 2020”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “CARE model classrooms” means small-group classrooms established by DCPS in which students participate in lessons virtually on a computer while supervised in a DCPS building by an adult who is not their teacher.

(2) “Chancellor” means the chief executive officer of DCPS.

(3) “COVID-19” means the disease caused by the novel 2019 coronavirus SARS-CoV-2.

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

(5) “In-person learning” means instructional time with students being physically present

35 in a DCPS school, regardless of the physical location of their instructor, including CARE model
36 classrooms.

37 (6) “In-person learning threshold metrics” means the numeric standards determining
38 whether DCPS schools may provide in-person learning during the public health emergency.

39 (7) “Student support” means any service or equipment delivered based on individual
40 needs and intended to improve students’ capacity to learn, such as services for special education,
41 English Language Learners, and mental or behavioral health.

42 Sec. 3. Pandemic Advisory Learning Council.

43 (a) No later than 14 days after the effective date of this act, the Mayor shall convene a
44 Pandemic Learning Advisory Council (PALC) to advise the Chancellor on in-person and
45 distance learning issues, including staffing assignments, safety protocols, testing guidelines, and
46 building readiness.

47 (b) The PALC shall consist of the following members:

48 (1) The Chancellor, who shall serve as the PALC chairperson;

49 (2) A representative of the Department of General Services;

50 (3) A representative of DC Health; and

51 (4) A minimum of fifteen members appointed by the Mayor, as follows:

52 (A) A minimum of 7 representatives from labor unions whose members
53 work inside DCPS buildings, including the following roles:

54 (i) Administration, such as principal or vice principal;

55 (ii) Education, such as teacher or classroom paraprofessional;

56 (iii) Health, such as nurse or mental health provider;

57 (iv) Operations and facilities, such as custodian, cafeteria worker,

58 or security; and

59 (B) A minimum of 8 parents or guardians of DCPS students, with
60 representation from each ward, and the majority of the parents or guardians shall have students:

61 (i) Receiving special education or English Language Learner
62 services; or

63 (ii) Experiencing homelessness and/or meeting the individual
64 eligibility criteria for the Free and Reduced Meal program.

65 (c) The PALC shall meet no less than every other week while school is in session.

66 (d) DCPS shall not require employees to return to in-person instruction unless it provides
67 the PALC with a comprehensive re-opening plan at least 14 days before the start of such in-
68 person instruction. Any re-opening plan must include detailed staffing information, symptomatic
69 and asymptomatic testing guidelines, classroom seat priorities and limits, COVID-19 risk
70 mitigation plans, and student academic support plans.

71 (e) The PALC shall disband 60 days after the end of the public health emergency
72 declared on March 11, 2020, by Mayor's Order 2020-045.

73 Sec. 4 In-Person learning threshold metrics.

74 (a) DCPS shall not operate more than 150 in-person learning classrooms, of which no
75 more seven shall operate per school, if the District is above the in-person learning threshold
76 metrics.

77 (b) No later than 21 days after the effective date of this act, the Mayor shall establish and
78 publish the following:

79 (1) In-person learning threshold metrics, which may define types of in-person
80 learning for which different thresholds apply;

81 (2) The minimum advance notice given to parents and staff prior to opening more
82 than 150 in-person learning classrooms; and

83 (3) The minimum notice provided to parents or guardians prior to the closure of
84 in-person learning.

85 Sec. 5 In-Person Learning Transparency

86 (a) Beginning 14 days after the effective date of this act, the Mayor shall publish on a
87 weekly basis:

88 (1) The number of new COVID-19 tests administered in DCPS schools;

89 (2) The number of new positive cases for COVID-19 in DCPS schools, by school;

90 (3) The number of in-person students and staff under quarantine for COVID-19;

91 (4) Weekly in-person learning attendance, by school; and

92 (5) Basic profile information about students attending DCPS in-person, such as
93 race or ethnicity; grade; Ward of residency; homelessness status, special education designation,
94 or English Language Learner status.

95 Sec. 6. Testing

96 (a) During the public health emergency declared on March 11, 2020, by Mayor's Order
97 2020-045, DCPS shall not expand in-person learning beyond 500 students unless DCPS has
98 instituted a randomized testing program, offering a COVID-19 test to at least 5% of people
99 attending in-person learning, including students and staff, per week.

100 Sec. 7. Fiscal impact statement.

101 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
102 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
103 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

104 Sec. 8. Effective date.

105 This act shall take effect following approval by the Mayor (or in the event of veto by the
106 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
107 90 days, as provided for emergency acts of the Council of the District of Columbia in section
108 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
109 D.C. Official Code § 1-204.12(a)).