



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 advise the District of Columbia Public Schools on guidelines for in-person and remote learning, 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.

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 must assess the public health risks of in-person learning.

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 Advisory Learning Council (PALC) to review the minimum guidelines for and current
45 status of in-person and distance learning.

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

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

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

49 (3) A representative of DC Health; and

50 (4) One representative for each of the following unions, selected by the local
51 union president:

52 (A) AFSCME Council 20,

53 (B) Council of School Officers/American Federation of School

54 Administrators Local 4,

55 (C) DC Nurses Association,

56 (D) 1199 SEIU,

57 (E) SEIU 32BJ,

58 (F) Teamsters 639, and

59 (G) Washington Teachers Union Local 6.

60 (5) A minimum of 7 parents or guardians of DCPS students, with priority given to
61 parents or guardians of students:

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

63 (B) Experiencing homelessness and/or meeting the individual eligibility
64 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) The PALC shall disband 60 days after the end of virtual instruction, but no earlier
67 than 60 days after the end of the public health emergency declared on March 11, 2020, by
68 Mayor's Order 2020-045.

69 Sec. 4 In-Person learning oversight.

70 (a) No later than 21 days after the effective date of this act, the Mayor shall establish and
71 publish threshold metrics for in-person learning.

72 (b) If any metric exceeds the published threshold, the Mayor shall inform the members of
73 the PALC within one business day, review the minimum guidelines related to public health
74 during in-person learning, and assess the public health risks of travel to and participation in in-
75 person learning.

76 Sec. 5 In-Person Learning Transparency

77 (a) Beginning 14 days after the effective date of this act, the Mayor shall publish in-
78 person learning data, with updates on a no less than weekly basis, as follows:

79 (1) COVID-19 surveillance metrics, including:

80 (A) The number of new COVID-19 tests administered in DCPS schools;

81 (B) The number of new positive cases for COVID-19 in DCPS schools,
82 with separate counts of cases among students, classroom staff, and non-classroom staff, by
83 school; and

84 (C) The number of in-person students, classroom staff, and non-classroom
85 staff under quarantine due to COVID-19 exposure or testing, by school.

86 (2) Education surveillance metrics for DCPS schools, with separate reporting for
87 other local education agencies as available, including:

88 (A) The types of in-person learning operating, by school and grade;

89 (B) The number of in-person seats offered, accepted, and declined, by
90 school;

91 (C) Average in-person learning attendance, by school; and

92 (D) Basic profile information about DCPS students attending in-person,
93 such as race or ethnicity; grade; Ward of residency; homelessness status, special education
94 designation, and 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 institute a randomized COVID-19 testing program, with randomization at
98 the school or classroom level, offering a COVID-19 test to at least 20% of people attending in-
99 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)).