

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency due to congressional review, that the District of Columbia Public School (DCPS) system or any public charter school local education agency (LEA) provide a distance learning program that complies with the Individual with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973 if recommended by a physician, nurse practitioner, or physician assistant to students with certain high-risk medical conditions or to students who live with individuals with certain high-risk medical conditions, as well as to make clear that those students are considered enrolled in the LEA for the purposes of the enrollment audit, school payment process, and other reasons as determined by the Office of the State Superintendent of Education, even if the student is not physically attending the LEA; to mandate a tiered COVID-19 asymptomatic testing program; to provide that each DCPS and public charter school shall notify parents whenever a student attending, or a staff member working at, the school tests positive for the COVID-19 virus; to require certain reporting requirements related to COVID-19 cases by the Department of Health and certain reporting by the Department of General Services and DCPS on DCPS facility issues; to direct the Department of Consumer and Regulatory Affairs (DCRA) to expedite the permitting process for LEAs that request permits for outdoor eating and learning structures and equipment and to waive any associated fines if DCRA does not issue the permits within 3 weeks of receiving the permit application; and to amend an Act To provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes to define excused absences as including certain absences related to COVID-19 infections during school year 2021-22.

44 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
45 resolution may be cited as the “Protecting Our Children Congressional Review Emergency  
46 Declaration Resolution of 2022”.

47 Sec. 2. (a) On October 5, 2021, the Council adopted the Protecting Our Children  
48 Emergency Amendment Act of 2021, effective October 26, 2021 (D.C. Act 24-190; 68 DCR  
49 11348) which expired on January 24, 2022.

50 (b) On November 2, 2021, the Council adopted the Protecting Our Children Temporary  
51 Amendment Act of 2021 on second reading (D.C. Act 24-241; 68 DCR 13501) (“temporary  
52 act”), which is awaiting transmittal to Congress.

53 (c) This emergency legislation is necessary to prevent a gap in the law between the  
54 expiration of the emergency act and the effective date of the temporary measure.

55 Sec. 3. The Council of the District of Columbia determines that the circumstances in  
56 section 2 constitute emergency circumstances, making it necessary that the Protecting Our  
57 Children Congressional Review Emergency Act of 2022 be adopted after a single reading.

58 Sec. 4. This resolution shall take effect immediately.