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2 Chairman Phil Mendelson


Councilmember Christina Henderson

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8 A PROPOSED RESOLUTION

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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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19 To declare the existence of an emergency with respect to the need to amend the Immunization of
20 School Students Act of 1979 to postpone the date by which students must be vaccinated
21 against COVID-19.

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23 RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
24 resolution may be cited as the “Coronavirus Immunization of School Students Emergency
25 Declaration Resolution of 2022”.

26 Sec. 2. (a) The District’s student immunization policy, referred to as “No Shots, No
27 School,” preconditions students’ enrollment in any school in the District of Columbia upon
28 certification of immunization against certain transmissible diseases. The routine pediatric
29 immunizations (RPIs) against tetanus, diphtheria, pertussis, varicella, measles, mumps, rubella,
30 Hepatitis B, Hepatitis A, poliomyelitis, influenza, pneumococcal, human papillomavirus, and
31 meningococcal administered to children between ages 2-16 are required of all students attending
32 District schools.

33 (b) On December 21, 2021, the Council passed the Coronavirus Immunization of School
34 Students and Early Childhood Workers Amendment Act of 2021, which added SARS-CoV-2

35 (COVID-19) immunizations with full Food and Drug Administration authorization to the list of
36 vaccinations required of District students. At that time, the District was in the midst of an
37 unprecedented surge of COVID-19 cases. DC Health reported 14,595 COVID-19 cases during
38 the week of December 19, 2022, and 15,896 cases during the week of December 26, 2022, over
39 90% of which were attributable to the contagious new Omicron variant of COVID-19. DCPS
40 sent entire school communities home before the start of the winter break to mitigate the virus’
41 spread, and District leaders were standing up a new rapid-testing program as winter holidays
42 began. At the time, the decision to require students to be vaccinated against COVID-19 as a
43 condition of enrollment was the best policy choice available to the Council.

44 (c) In June 2022, District education leaders announced that the law would be enforced for
45 routine pediatric vaccinations and COVID-19 vaccinations beginning in School Year 2022-2023.
46 This would be the first time that the District committed to enforcement, meaning that students
47 who were not vaccinated by the first day of school would have 20 school days to become
48 vaccinated. If students did not meet the requirements within the 20 school days, they would be
49 excluded from school and reported to the Child and Family Services Agency. On August 26, the
50 Deputy Mayor for Education announced that deadline for students to come into compliance with
51 the routine pediatric immunization requirement would be delayed to October 11, 2022, for
52 elementary school students, and to November 4, 2022, for middle- and high school students, and
53 to January 3, 2023, for all students to receive the COVID vaccine. As the October 11, 2022
54 deadline approached, the Office of the State Superintendent for Education instructed local
55 education agencies to offer a two-week grace period to families who did not meet the deadline
56 but who either agreed to make an appointment soon or who were waiting on schools to verify
57 receipt of their student’s documentation.

58 (d) The Committee of the Whole held a roundtable on October 11, 2022, which was the
59 deadline for elementary school students to become compliant with No Shots, No School. District
60 education agency leaders testified that several thousand students had not yet come into
61 compliance with the routine pediatric immunization requirement. While conversations with the
62 parents of noncompliant students led school leaders to expect that most students would be up to
63 date on their vaccinations in the near future, they highlighted ongoing problems with aligning the
64 three separate databases used to track students' vaccination statuses and issues families faced in
65 timing full vaccination doses with the District's deadline. All agreed that the ultimate policy goal
66 of all students being up to date on their routine pediatric vaccinations was attainable, but
67 expressed reservations about the likelihood of families equally complying with the COVID-19
68 vaccine.

69 (e) The District is working to ensure that the policy goals of universal vaccination against
70 transmissible diseases and of in-person learning are achieved. However, the District must be
71 certain that the data and the treatments on which it bases determinations of exclusion are
72 accurate and up to date before excluding students from school. This pertains not only to District
73 record-keeping, but Centers for Disease Control (CDC) guidance and medical treatments for
74 COVID-19. When the Coronavirus Immunization of School Students and Early Childhood
75 Workers Amendment Act of 2021 became law, limited options were available to prevent and
76 treat COVID-19. The vaccines developed by Pfizer and Moderna in 2020 were the best way to
77 prevent the spread of the disease. However, the virus evolved in the time since the vaccines
78 became available, as have treatments.

79 (f) Currently, the most common variants spreading in the District are Omicron BA.4.6
80 and Omicron BA.5, which are structurally quite different from the original variants that the

81 Moderna and Pfizer vaccines addressed. In fact, the original vaccines are not effective at
82 preventing transmission of the new Omicron variants. On October 12, 2022, CDC Director
83 Rochelle Walensky signed a decision memo authorizing the use of updated bivalent COVID-19
84 vaccines for children ages 5-11. These updated bivalent vaccines contain spike proteins from the
85 Omicron BA.4 and BA.5 variants and will improve the COVID-19 vaccines' efficacy.

86 (g) As COVID-19 treatments improve, it is essential that students have access to the most
87 effective available treatments possible before being excluded from school. Routine pediatric
88 immunizations do not require periodic updates to remain effective. For that reason, this
89 emergency extends the deadline for compliance to School Year 2023-2024 for only the COVID-
90 19 vaccination requirement. This extension will ensure that students have time to receive the
91 most up to date and most effective disease prevention treatments, allow parents and students the
92 time they need to be better educated about the COVID-19 vaccine's efficacy and merits, and
93 grant the District more time to reconcile the databases upon which it will make student exclusion
94 determinations.

95 Sec. 3. This resolution shall take effect immediately.