


**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
BROOKE PINTO, CHAIRWOMAN**

MEMORANDUM

TO: Chairman Phil Mendelson
FROM: Councilmember Brooke Pinto 
Chairwoman, Committee on the Judiciary and Public Safety
RE: Request to Agendize Emergency Measures for the April 2, 2024 Legislative Meeting
DATE: March 28, 2024

I request that the following emergency and temporary measures be agendized for the April 2, 2024 Legislative Meeting:

- **Virtual Open Meetings Authority Extension Emergency Declaration Resolution of 2024**
- **Virtual Open Meetings Authority Extension Emergency Amendment Act of 2024**
- **Virtual Open Meetings Authority Extension Temporary Amendment Act of 2024**

In March 2020, in response to the COVID-19 pandemic, the Council adopted emergency legislation to ensure continuity of government operations during the ongoing public health emergency. That emergency legislation included among other provisions legislative language clarifying that a meeting shall be deemed open to the public, and therefore satisfy requirements of the District Open Meetings Act, where the public body holding the meeting takes steps reasonably calculated to allow the public to view or hear the meeting while the meeting is taking place, or, if doing so is not technologically feasible, as soon thereafter as reasonably practicable. By authorizing public meetings to be held virtually, that legislation facilitated access to these meetings both for members of the public and the public body while residents were advised to minimize travel outside the home to reduce the risk of transmitting the COVID-19 virus.

Since 2020, the Council has extended authorization for public bodies to hold meetings in a virtual or remote format on several occasions. Although the public health emergency has concluded, this authorization has provided public bodies with the flexibility to determine the most efficient format for their meetings without reducing access for residents. In fact, largely, providing a virtual option to attend meetings has increased access for many residents, including seniors, individuals with mobility issues, caregivers, individuals who are immunocompromised, and those who are ill. Although many public bodies have resumed in-person meetings, most continue to stream their meetings online or otherwise make the meeting available in a virtual format to allow residents to participate remotely.

On June 20, 2023, the Council passed the latest emergency legislation to include authorization for public bodies to hold virtual meetings. That legislation, the Virtual Open Meetings Authority Extension Emergency Amendment Act of 2023, effective July 12, 2023 (D.C. Act 25-170; 70 DCR

9916) (“emergency act”), expired on October 10, 2023. On July 11, 2023, the Council passed the Virtual Open Meetings Authority Extension Temporary Amendment Act of 2023, effective September 16, 2023 (D.C. Law 25-53; 70 DCR 13064) (“temporary act”), which will expire on April 28, 2024. This emergency legislation is necessary to prevent a gap in the law following the expiration of the temporary act.

- **Special Education for Young Adults in the Custody of the Department of Corrections Emergency Declaration Resolution of 2024**
- **Special Education for Young Adults in the Custody of the Department of Corrections Emergency Amendment Act of 2024**
- **Special Education for Young Adults in the Custody of the Department of Corrections Temporary Amendment Act of 2024**

There is an immediate need to designate the Department of Corrections as the District agency responsible for providing a free appropriate public education (“FAPE”) under the federal Individuals with Disabilities Education Act (“IDEA”) and District law to eligible individuals in its custody and detained in its secure facilities. Under the IDEA and District law, individuals aged 18 years old through the end of their eligibility for FAPE under the IDEA and District law (hereinafter “eligible individuals”) who are incarcerated in an adult correctional facility are entitled to receive a free appropriate public education through the delivery of special education and related services if they were previously identified or found eligible as a student with a disability or had an individualized education program. The Department of Corrections has eligible individuals in its custody.

For school year 2021-2022 and schools year 2022-2023, special education services for eligible individuals in DOC’s custody were provided by Maya Angelou Public Charter Schools under a temporary charter authorization from the Public Charter School Board. The temporary charter authorization expired at the end of school year 2022-2023. In order to ensure the continuation of appropriate special education services at DOC in school year 2023-2024, the Council passed emergency and temporary legislation in June 2023 to designate DOC as the District agency responsible for providing a FAPE to eligible individuals in DOC’s custody, with the understanding that DOC would contract with Maya Angelou Public Charter Schools to provide the services.

Permanent versions of the Special Education for Young Adults in the Custody of the Department of Corrections Amendment Act (B25-309), as well as the Leading Education Access for Reentry and Necessary Success Amendment Act (B25-461)—both of which would resolve the issue this legislation is aimed at—are currently pending Council review, and a public hearing on the bills was held in January 2024. However, the temporary legislation adopted by the Council expires on May 17, prior to the end of school year 2023-2024.

Therefore, emergency legislation is necessary to extend the designation of DOC as the as the District agency responsible for providing a FAPE to eligible individuals in DOC’s custody during school year 2023-2024, to ensure that DOC can continue its contract with Maya Angelou Public Charter Schools for the remainder of the school year. It is critical to pass this legislation immediately so that there is no disruption in the delivery of required special education and related services under IDEA for eligible individuals in the custody of the Department of Corrections.

Drafts of the measures are attached. If you have any questions, please contact Evan Marolf, Committee Director, at 724-8073 or emarolf@dccouncil.gov.