


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, State Board of Education, 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 learning and virtual instruction, to require the establishment of in-person learning risk levels that lead to a review of in-person status and guidelines, 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 Chancellor of DCPS.

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

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

36 (5) “In-person learning” means instructional time during which students are
37 physically present in a DCPS school building, regardless of the physical location of their
38 instructor, and includes CARE model classrooms.

39 (6) “In-person learning models” means formats for providing instruction and
40 student support, such as teachers and students in-person, students and student support providers
41 in-person, students in-person receiving virtual instruction, and other in-person learning and
42 student support approaches that DCPS and DCPS schools opt to pilot during the public health
43 emergency.

44 (7) “In-person learning risk levels” means the numeric standards, established by
45 the Mayor, signifying different levels of COVID-19 transmission risk at the community or
46 school level, with higher transmission risks considered a worsening risk level.

47 (8) “PALC” means the Pandemic Advisory Learning Council established pursuant
48 to section 3.

49 (9) “Student support” means any service or equipment that DCPS provides to a
50 student and is intended to improve the student’s capacity to learn based on the student’s
51 individual needs, including services for:

52 (A) Special education;

53 (B) Students who are English language learners; and

54 (C) Improving or addressing mental or behavioral health.

55 (10) “Virtual instruction” means the delivery of a course or unit of study to
56 students in a physical location separate from the instructor, regardless of whether the student is
57 physically present in a DCPS school building.

58 Sec. 3. Pandemic Advisory Learning Council.

59 (a) No later than 14 days after the effective date of this act, the Mayor shall convene a
60 Pandemic Advisory Learning Council to review the minimum guidelines for and current status of
61 in-person learning and virtual instruction.

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

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

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

65 (3) A representative of the Department of Health;

66 (4) A representative of the State Board of Education (“SBOE”), selected by the
67 SBOE president; and

68 (5) One representative for each of the following labor unions, selected by the local
69 union president:

70 (A) AFSCME Council 20 Local 2921;

71 (B) Council of School Officers/American Federation of School
72 Administrators Local 4;

73 (C) District of Columbia Nurses Association;

74 (D) 1199SEIU;

75 (E) SEIU 32BJ;

76 (F) Teamsters Local 639; and

77 (G) Washington Teachers Union Local 6.

78 (5) A minimum of 7 parents or guardians of DCPS students, selected by the
79 Mayor, with priority given to parents or guardians of students:

80 (A) Receiving special education or English language learner services; or

81 (B) Experiencing homelessness or meeting the individual eligibility
82 criteria for the Free and Reduced Meal program.

83 (c) The Chancellor shall inform the PALC of the minimum guidelines and school-level
84 planning flexibility provided to DCPS schools, such as through Reopen Community Corps,
85 related to in-person learning and virtual instruction, including guidelines for staffing, safety, and
86 student supports.

87 (d) The PALC shall review and advise the Chancellor on the clarity and sufficiency of
88 systemwide guidelines related to in-person learning and virtual instruction. The PALC may
89 provide such advice verbally or in writing.

90 (e) PALC meetings shall include a review of current COVID-19 and education
91 surveillance metrics, the timeliness of communication about COVID-19 cases to school
92 communities, changes in systemwide guidelines or school-level flexibility, and school COVID
93 vaccination plans. The PALC shall also consider opportunities for expanded outdoor learning
94 options. The PALC may recommend actions for DCPS, Department of Health, or Department of
95 General Services in response to concerns expressed by labor unions and parents or guardians.

96 (f) The PALC shall meet no less than every other week until the last day of school on the
97 DCPS school calendar, no less than twice during the summer, and resume meeting no less than
98 every other week in the next academic year if it has not disbanded.

99 (g) The PALC shall disband 60 days after the end of virtual instruction, but no earlier
100 than 60 days after the end of the public health emergency declared on March 11, 2020, by
101 Mayor's Order 2020-045, and any extensions.

102 Sec. 4 In-Person learning oversight.

103 (a) No later than 21 days after the effective date of this act, the Mayor shall establish and

104 publish on a District government website a set of in-person learning risk levels (“risk levels”).

105 (b) If the risk level worsens for COVID-19 transmission, the Mayor shall inform the
106 members of the PALC within one business day, present to the PALC at or prior to its next
107 meeting an assessment of the public health risks of travel to and participation in in-person
108 learning, inform the PALC of any changes to the minimum guidelines related to in-person
109 learning, and solicit PALC advice on the clarity and sufficiency of the guidelines.

110 Sec. 5 In-Person learning transparency.

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

113 (1) COVID-19 surveillance metrics for DCPS schools, including:

114 (A) The number of new COVID-19 tests administered in DCPS schools
115 over the most recent week;

116 (B) For students and staff engaged in in-person learning and staff
117 physically working at a DCPS school:

118 (i) The number of total and new cases of COVID-19 since the last
119 update, with separate counts by school of cases among

120 (I) Students;

121 (II) Classroom-based staff;

122 (III) Non-classroom-based staff; and

123 (ii) The total number of students, classroom-based staff, and non-
124 classroom-based staff under quarantine due to COVID-19 exposure or testing at the time of the
125 update, by school.

126 (2) Education surveillance metrics for DCPS schools, with separate reporting for

127 other local education agencies as available, including:

128 (A) The in-person learning models operating, by school and grade;

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

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

132 (D) Average virtual instruction attendance, by school;

133 (E) Total number of employees, contracted staff, and authorized
134 volunteers in DCPS buildings with in-person learning and

135 (F) Aggregate demographic information about students attending in-
136 person learning across DCPS and by school, such as race or ethnicity; grade; ward of residency;
137 homelessness status, special education designation, and English language learner status.

138 Sec. 6. Testing.

139 (a) During the public health emergency declared on March 11, 2020, by Mayor's Order
140 2020-045, and any extensions, DCPS shall institute a randomized COVID-19 testing program,
141 with randomization at the school or classroom level, offering a COVID-19 test to at least 20% of
142 people attending in-person learning, including students, DCPS employees, authorized volunteers,
143 and contracted staff, per week.

144 Sec. 7. Fiscal impact statement.

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

148 Sec. 8. Effective date.

149 This act shall take effect following approval by the Mayor (or in the event of veto by the

150 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
151 90 days, as provided for emergency acts of the Council of the District of Columbia in section
152 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
153 D.C. Official Code § 1-204.12(a)).