

Statement of Introduction
Coronavirus Immunization of School Students and
Early Childhood Workers Amendment Act of 2021
Councilmember Christina Henderson
October 4, 2021

Today, along with Councilmembers Brianne Nadeau, Charles Allen, Elissa Silverman, Janeese Lewis George and Mary Cheh, I am introducing the Coronavirus Immunization of School Students and Early Childhood Workers Amendment Act of 2021. This bill will require all eligible school students and employees of licensed child development facilities in the District of Columbia to be vaccinated against COVID-19, with an allowable religious or medical exemption. Further, the legislation allows for the electronic submission of certification of all required childhood immunizations, including COVID-19.

The start of the 2021-2022 school year has been met with anxiety among many students, parents, and school communities given concerns about in-person learning and the spread of COVID-19. There are also concerns about the efficacy of the District's COVID school testing program—during the week of September 21, 2021, only 8.7% of students were tested, below the District's goal of testing between 10% and 20% of the student population each week.

As of September 30, 2021, 184 District of Columbia Public Schools (DCPS) personnel had tested positive and 182 were in quarantine. Additionally, 506 students have tested positive, with 633 currently in quarantine. These numbers understandably contribute to family and community anxiety about in-person learning, particularly since testing remains below target.

On September 20, 2021, the mayor issued Mayor's Order 2021-109 which, among other things, includes a vaccination requirement for all student athletes 12 years old and older. While this is a step in the right direction, many students participate in non-athletic extra-curricular activities that involves close contact with peers, or spend extended periods of time in confined spaces. Students who do not participate in sports or extra-curricular activities are just as much at risk of contracting the coronavirus as those who do, which requires a broader vaccination mandate. We already require minors to receive a number vaccines against various diseases as a condition of attending public school and childcare centers in the District. This would simply be an extension of that practice.

In the same Mayor's Order, a provision was included to require the vaccination of employees of childcare facilities in the District of Columbia to help minimize the exposure of students and children not yet eligible for a vaccine, and reduce the need for quarantine. This legislation provides additional legal support for that provision of the Mayor's Order through an annual staff vaccination certification requirement. The District currently requires all childcare workers to receive an annual physical and tuberculosis (TB) test as a condition of employment. This would simply expand upon those requirements.

Additional points to highlight from the Mayor's Order:

- The District's new daily case rate rose from under five (5) cases per 100,000 in May, June and July to over thirty (30) in mid-September, 2021.

- Unvaccinated persons are much more likely to contract COVID-19 than vaccinated persons and are more likely to spread COVID-19 to other persons. Therefore, the presence of unvaccinated persons in schools, childcare centers, and on the athletic fields creates substantial risks to the health of students, and is a particularly acute risk for children under 12, who are not yet eligible to receive a COVID-19 vaccine. The presence of unvaccinated persons also threatens the confidence of parents and guardians to send their children to schools, childcare centers and to register their children for sports, which add to healthy physical and social development. The presence of unvaccinated persons, who are more likely to contract COVID-19, also leads to an increased need to quarantine students due to COVID-19 exposures, and to provide remote learning, impairing educational attainment and hampering the efficient and effective operation schools and childcare centers.
- Children in states with low vaccination rates are four times more likely to be hospitalized than their peers in states with high vaccination rates. Still, over 50% of District youth ages 12-17 years old who are eligible for vaccination have not yet received their first shot and 20% of District adults ages 18 and up have not yet received their first shot and coverage in young Black residents is lower than in other ages and races.

School and early childcare communities are understandably concerned about uncertainties surrounding the Delta variant, unvaccinated peers, and the scale of the testing program. A vaccination mandate will help advance the goals stated in the Mayor's order to decrease exposures, the need for quarantine, and provision of remote learning, while increasing the efficient and effective operation of schools and child care centers.

The legislation also reduces a bureaucratic burden on parents and legal guardians by allowing physicians to directly submit certification of immunization electronically to the DC immunization database. This would start with the vaccine for the 2019 novel coronavirus (SARS-CoV-2) and expands to all required immunizations at the start of the 2022-2023 school year. This streamlines this annual reporting requirement, utilizes modern technology, and reduces stress on our families and students.

I look forward to working with my colleagues to quickly move this legislation and protect our students and school communities from further spread of COVID-19 and protect the health of DC residents.

1 Brianne K. Nadeau

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3 Christina Henderson

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5 Elissa Silverman

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7 Charles Allen

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9 Janeese Lewis George

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11 Mary M. Cheh

12 Councilmember Mary M. Cheh

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14
15 A BILL

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19 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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24 To amend the Immunization of School Students Act of 1979 to require vaccination against
25 the 2019 novel coronavirus (SARS-CoV-2) for all eligible students in the District of
26 Columbia, and to allow for electronic submission of certification of immunization by
27 private physicians; and to amend Chapter 5-A1 of Title 5 of the District of Columbia
28 Code of Municipal Regulations to require all employees of licensed Child Development
29 Facilities to submit annual certification of vaccination against the 2019 novel coronavirus
30 (SARS-CoV-2).
31

32 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
33 act may be cited as the “Coronavirus Immunization of School Students and Early Childhood
34 Workers Amendment Act of 2021”.

35 Sec. 2. The Immunization of School Students Act of 1979, effective September 28, 1979
36 (D.C. Law 3-20; D.C. Official Code § 38-501 *et seq.*) is amended as follows:

37 (a) Section 2(d) (D.C. Official Code § 38-501(4)) is amended by striking the phrase
38 “rubella, measles, and mumps” and inserting the phrase “rubella, measles, mumps, and novel
39 coronavirus (SARS-CoV-2)” in its place.

40 (b) Inserting new sections 3a and 3b to read as follows:

41 “Sec. 3a. Vaccination of school students against COVID-19.

42 “(a) Beginning December 15, 2021, and every school year thereafter, the responsible
43 person for a student who attends a District public, public charter, independent, private, or
44 parochial school and is deemed eligible to receive a vaccine for the 2019 novel coronavirus
45 (SARS-CoV-2) by the Food and Drug Administration shall be required to submit a certification
46 of immunization:

47 “(1) That the child has received a full course of vaccination against the 2019
48 novel coronavirus (SARS-CoV-2); or

49 “(2) That the child has not received a full course of vaccination against 2019
50 novel coronavirus (SARS-CoV-2) because:

51 “(A) The responsible person has objected in good faith and in writing
52 pursuant to procedures established by the Mayor or his or her designee, at which the child
53 intends to enroll, that the vaccination would violate sincerely held religious beliefs; or

54 “(B) The child’s private physician, his or her representative, or the public
55 health authorities have provided written certification that the vaccination is medically
56 inadvisable.

57 “(b) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure
58 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
59 rules to implement the provisions of subsection (a).”

60 “Sec. 3b. Electronic certification of immunization.

61 “(a) Beginning December 15, 2021:

62 “(1)(A) Certification of immunization for the 2019 novel coronavirus (SARS-
63 CoV-2) for a student provided by a private physician shall be submitted electronically to the
64 public health authorities; and

65 “(B) The public health authorities shall electronically transmit the
66 certification of immunization to the student’s local education agency.

67 “(2) Certification of immunization for the 2019 novel coronavirus (SARS-CoV-2)
68 for a student provided by the public health authorities shall be electronically transmitted to the
69 student’s local education agency.

70 “(b) Beginning with the start of school year 2022-2023:

71 “(1)(A) All certification of immunizations provided by a private physicians shall
72 be submitted electronically to the public health authorities; and

73 “(B) The public health authorities shall electronically transmit the
74 certification of immunization to the student’s local education agency.

75 “(2) All certification of immunization for a student provided by the public health
76 authorities shall be electronically transmitted to the student’s local education agency.”

77 Sec. 3. Section 137 of Subtitle A of Title 5 of the District of Columbia Municipal
78 Regulations (5-A DCMR § 137) is amended by adding a new subsection 5-A137.5 to read as
79 follows:

80 “137.5 A Licensee’s staff members shall provide written certification at least annually:

81 “(a) That the staff member has received a full course of vaccination against the 2019
82 novel coronavirus (SARS-CoV-2); or

83 “(b) That the staff member has not received a full course of vaccination against the 2019
84 novel coronavirus (SARS-CoV-2) because the staff member has requested an exemption for
85 either of the following reasons:

86 “(1) The staff member has objected in good faith and in writing pursuant to
87 procedures established by OSSE that the vaccination would violate his or her sincerely held
88 religious beliefs; or

89 “(2) The staff member’s private physician, or his or her representative, or the
90 Department of Health has provided written certification that the vaccination is medically
91 inadvisable.”.

92 Sec. 4. Fiscal impact statement.

93 The Council adopts the fiscal impact statement in the committee report as the fiscal
94 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
95 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

96 Sec. 5. Effective date.

97 This act shall take effect following approval by the Mayor (or in the event of veto by the
98 Mayor, action by Council to override the veto), a 30-day period of congressional review as
99 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
100 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
101 Columbia Register.