

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require, on an emergency basis, all District of Columbia Public School system schools to report on the readiness of their facilities for in-person learning at the start of school year 2022-23, including the condition of their air conditioning units and the status of their air filters, air quality monitors, safety systems, including whether all interior and exterior doors lock securely, fire alarm systems, and security surveillance systems; and to require the Department of Health to report on public and public charter school school-level compliance with required routine pediatric immunizations as well as outreach efforts to improve compliance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Back-to-School Safely Emergency Act of 2022”.

TITLE I. REPORTING ON PUBLIC SCHOOL FACILITY READINESS.

Sec. 101. Definitions.

For the purposes of this title, the term:

- (1) “Condition” means a rating of good, fair, poor, or very poor that assesses the working or operational effectiveness of a building system.
- (2) “DCPS” means District of Columbia Public Schools.
- (3) “DGS” means the Department of General Services.
- (4) “Editable data table” means a Microsoft Excel workbook or similar software format that allows a reader to edit and sort dataset contents.
- (5) “Facilities condition assessment” means a review of each school building as required by the Master Facilities Plan annual supplement pursuant to section 1104(b)(2A) of the School Based Budgeting and Accountability Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 38-2803(b)(2A)).
- (6) “HEPA” means a high efficiency particulate air filter, as defined by the U.S. Department of Energy.
- (7) “HVAC” means a heating, ventilation, and air conditioning system.

(8) “Interior door” means a door inside a school building that opens to a classroom, hallway, administrative office, or other room wherein school students or staff work, learn, or congregate. The term excludes doors to restrooms.

(9) “School” means a school operated by DCPS.

Sec. 102. Air Quality.

(a)(1) No later than August 19, 2022, DGS shall report to the Council, by school, in an editable data table:

(A) A list of all open work orders in the DGS HVAC work order dashboard that includes information on any contingency cooling/heating in place to support the HVAC system in queue for repair;

(B) A list of all HVAC systems that actively have contingency cooling/heating in place or still need contingency cooling/heating as August, 19 2022;

(C) A list of all HVAC work orders completed since January 1, 2020;

(D) A list of all HVAC systems deemed in good condition, based on facility condition assessments being conducted after January 1, 2020; and

(E) A list of all HVAC systems where the condition is unknown as of August 19, 2022, on account of not receiving any system updates or facility condition assessment since January 1, 2020.

(2) For all schools with a poor or very poor condition rating for one or more HVAC systems, DGS shall provide to the Council a report summarizing the school building rooms impacted by the system and contingency plans for providing alternative cooling or heating systems to rooms in need.

(3) DCPS shall provide to DGS any facility or contingency plan information necessary to complete the reports required in paragraphs (1) and (2) of this subsection, as needed.

(4) DGS shall provide to the Council an updated report, by school, on the quality of school HVAC systems and HVAC contingency plans before January 1, 2023. The report shall include new information on HVAC conditions and contingency plans that have changed since the August 19, 2022, report.

(b) No later than August 19, 2022, DGS and DCPS shall coordinate to report to the Council, by school, in an editable data table:

(1) The total number of mobile and fixed HEPA filters on-site; and

(2) The total number of air quality monitors on site.

Sec. 103. Safety systems.

(a) Before August 31, 2022, and bi-monthly thereafter in closed-door briefings, as convened by the Committee of the Whole and the Committee on Government Operations and

Facilities, DGS and DCPS shall present the following information, by school, to members and staff of the Council:

- (1) The percentage of exterior doors with locks that securely lock;
- (2) The percentage of interior doors with locks that securely lock;
- (3) The condition of the school's public address system;
- (4) The condition of the school's fire alarm system; and
- (5) The condition of the school's security surveillance system.

(b) School-level data shared in the presentation required under subsection (a) of this section shall not be shared over electronic communication channels or posted publicly.

(c) School safety system data collected, prepared, or transmitted pursuant to subsection (a) of this section that is retained by the Council, DCPS, DGS, or any other executive agency shall not be made available as a public record under section 202 of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

(d) The briefings conducted pursuant to subsection (a) of this section shall be exempt from the requirements of the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code § 2-571 *et seq.*).

TITLE II. REPORTING ON IMMUNIZATIONS.

Sec. 201. Definitions.

For the purposes of this title, the term:

- (1) "DC Health" means the Department of Health.
- (2) "DCPS" means District of Columbia Public Schools.
- (3) "DOCIIS" means the District of Columbia Immunization Information System,

an internet-based data system maintained by the DC Health that collects, stores, tracks, and monitors all immunization event information for residents and visitors to the District.

(4) "Excused absence – Immunization" means the LEA or school attendance code used for a student who was previously unexcused or removed from school due to lack of immunization records but is allowed to return after the school secures immunization certification.

- (5) "Immunization" means the:

(A) Initial immunization and any boosters or reimmunization required to maintain compliance with required school immunizations; and

(B) Initial immunization and any boosters or reimmunization required to maintain immunization against the disease caused by the novel coronavirus SARS-CoV-2 (COVID-19) in accordance with the immunization standards issued by public health authorities and required for school attendance pursuant to section 3a of the Immunization of School Students Act of 1979, effective March 2, 2022 (D.C. Law 24-85; D.C. Official Code § 38-502.01).

(6) “LEA” means a local education agency, which is the District of Columbia Public School system or any individual or group of public charter schools operating under a single charter in the District.

(7) “Non-compliant student” means a student who does not have a valid immunization certification because there is no record in DOCIIS or written document in the student’s school health file confirming either that:

(A) The student has received all required school immunizations, including the COVID-19 vaccine; or

(B) The student is exempt from the immunization requirements.

(8) “OSSE” means the Office of the State Superintendent of Education.

(9) “PCSB” means the Public Charter School Board established by section 2214 of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-251; D.C. Official Code § 38-1802.14).

(10) “School” means a school in the DCPS school system or an individual public charter school.

(11) “Unexcused absence – immunization” means the school attendance code to use for a non-compliant student who is absent or removed from school after the 20-school day period for compliance provided in section 6 of the Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-505), has passed and who is not receiving educational services.

Sec. 202. Student immunizations.

(a) No later than August 19, 2022, DC Health shall report to the Council:

(1) The percentage of enrolled students that are non-compliant students by school and LEA; and

(2) The percentage of enrolled students that are non-compliant students by Ward of school.

(b)(1) From August 26, 2022, through November 30, 2022, on a biweekly basis, OSSE and DC Health shall coordinate to report to the Council the:

(A) Updated percentages of non-compliant students by the metrics set forth in subsection (a) of this section; and

(B) Total number of students, by school, coded as Excused absence – Immunization and Unexcused absence – Immunization.

(2) The reporting required in paragraph (1)(B) of this subsection may be a cumulative count of unique students over the prior 2-week period.

(c) The reporting required in subsections (a) and (b) of this section may utilize data suppression reporting techniques to protect medical and student record privacy when the value is under 10% or above 90%.

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(d) Student immunization reports shall comply with medical privacy requirements and precautions pursuant to the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 1936; 42 U.S.C. § 1320d *et seq.*), and the Family Educational Rights and Privacy Act of 1974, approved August 21, 1974 (88 Stat. 571; 20 U.S.C. § 1232g), and any regulations issued pursuant to those acts.

Sec. 203. Outreach efforts.

(a) Beginning on the first Friday after the effective date of this act through September 30, 2022, DC Health shall report to the Council on a weekly basis, and on a biweekly basis from October 1, 2022, through November 30, 2022:

(1) The dates, times, and addresses of where mobile health providers and COVID-19 centers will be available to the public for pediatric immunizations during the next 7 calendar days; and

(2) The number of students served at each site each week.

(b) The information or a link to the information required in subsection (a)(1) of this section shall be widely promoted and posted publicly utilizing:

(1) The DCPS website homepage;

(2) The PCSB website homepage;

(3) DCPS, PCSB, and DC Health social media platforms; and

(4) Other means as determined by DC Health.

TITLE III. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.

Sec. 301. Fiscal impact statement.

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

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia