

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD**

<p><b>Charter Actions Requiring a Vote</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Approve a Charter Application</li><li><input type="checkbox"/> Approve a Charter Renewal (15 yrs.)</li><li><input type="checkbox"/> Approve Charter Continuance (5 or 10 yrs.)</li><li><input type="checkbox"/> Approve a Charter Amendment Request</li><li><input type="checkbox"/> Approve a Charter Agreement</li><li><input type="checkbox"/> Give a Charter Notice of Concern</li><li><input type="checkbox"/> Lift the Charter Notice of Concern</li><li><input type="checkbox"/> Commence Charter Revocation Proceedings</li><li><input type="checkbox"/> Revoke a Charter</li><li><input type="checkbox"/> Board Action, Other _____</li></ul>	<p><b>Non-Voting Board Items</b></p> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Public Hearing Item</li><li><input type="checkbox"/> Discussion Item</li><li><input type="checkbox"/> Read into Record</li></ul>
<p><b>Policies</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Open a New Policy or Changes to a Policy for Public Comment</li><li><input checked="" type="checkbox"/> Approve a New Policy</li><li><input type="checkbox"/> Approve Revisions to an Existing Policy</li></ul>	

**PREPARED BY:**      **Rashida Young – Chief School Performance Officer  
Katherine Dammann – Senior Manager, School  
Performance Department**

**SUBJECT:**            **Public Hearing & Vote – COVID-19 Vaccination  
Requirement Policy**

**DATE:**                **October 18, 2021**

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**Proposal**

DC Public Charter School Board (DC PCSB) staff recommends the Board hold a public hearing to discuss the COVID-19 Vaccination Requirement Policy (Attachment A). DC PCSB staff then requests that the Board vote to approve the policy on an emergency basis. If, after the policy is approved, DC PCSB receives substantial public comment, it will consider reopening the policy for revision in accordance with its normal policy approval process.

**Summary of Purpose and Policy**

The purpose of this policy is to implement [Mayor's Order 2021-109: COVID-19 Vaccination Requirement for Adults Regularly in Schools or Child Care Facilities and for Student-Athletes](https://coronavirus.dc.gov/page/mayors-order-2021-109-covid-19-vaccination-requirement-adults-regularly-schools-or-child-care)<sup>1</sup> (the Order). Effective November 1, 2021, the Order imposes vaccination requirements for adult employees, contractors, interns, and volunteers working in person in a public charter school as well as student-athletes 12 years old and older attending a public charter school.

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<sup>1</sup> Available at <https://coronavirus.dc.gov/page/mayors-order-2021-109-covid-19-vaccination-requirement-adults-regularly-schools-or-child-care>.

To this end, the COVID-19 Vaccination Requirement Policy outlines how DC PCSB will monitor for and enforce compliance with the Order. Beginning November 1, 2021, DC PCSB staff will begin collecting vaccine compliance information from each public charter school, including aggregated school staff vaccination rates. Beginning on November 15, 2021, DC PCSB will make public information regarding each public charter school's vaccination compliance under the Order, including aggregated school staff vaccination rates.

If, by December 1, 2021, a school has not yet certified full compliance with the requirements outlined in the Order, or if the school staff vaccination rates submitted to DC PCSB demonstrate less than full compliance, the school may be subject to an Out of Compliance Notice. The school will then have until January 31, 2022 to satisfy the outstanding compliance concerns and may be asked to provide periodic updates on its progress toward compliance. If, after January 31, 2022, the school remains out of compliance, DC PCSB may leverage other interventions as it determines necessary, including but not limited to issuing a public Notice of Concern before the DC PCSB Board. An uncured Notice of Concern may lead to further Board action.

Per the Order, any individual who believes a public charter school is not complying with the vaccination requirements may submit a complaint to the Office of the State Superintendent of Education (OSSE), and OSSE may investigate and take enforcement action if a violation is found. DC PCSB will cooperate with OSSE in its investigation of any such complaints, and further reserves the right to conduct its own audit or investigation of any public charter school if DC PCSB deems such action necessary to ensure the school is compliant with the requirements of the Order and its obligations under the law and its charter to ensure the health and safety of its students.<sup>2</sup> If a complaint is substantiated, DC PCSB will initiate the consequences outlined above, beginning with the issuance of an Out of Compliance Notice.

### **Need for Emergency Approval**

The Order goes into effect on November 1, 2021. DC PCSB's usual policy approval process requires at least three months. Given the urgent nature of these vaccination requirements and their operational impact on schools, DC PCSB has determined that this policy must move through an emergency approval process to provide clarity and transparency for schools, staff, students, and members of the public before the effective date of November 1, 2021. DC PCSB will accept public comment regarding the policy until November 18, 2021. Should DC PCSB receive substantial public comment during that time, it will consider reopening the policy for revision in accordance with its normal policy approval process.

### **Background**

The Order clearly outlines the context of and rationale for this policy:

One of the top priorities for the fall of 2021 has been the safe reopening of schools and for in-person learning because in-person learning is critical to

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<sup>2</sup> See DC Code § 38-1802.04(c)(4)(A).

children's intellectual, social, and emotional development. 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.

**Attachments**

Attachment A: COVID-19 Vaccination Requirement Policy