



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

VIA EMAIL

August 19, 2021

██████████
████████████████████

RE: Letter of Response for Grievance #3890 and #3895 filed on April 27, 2021, and May 3, 2021

Dear ██████████:

In accordance with Chapter 24 Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations, D.C. Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its review of the above referenced written grievance.

Grievance Issues

Based on a review of the information provided, the written grievance raised the following issues under the jurisdiction of this office:

1. **5-B DCMR 2405.2(c)**: Where it is alleged that any student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure or standard of conduct.
 - a. You raise concerns that you received an email from ██████████ School indicating that your students, Student ██████ and Student ██████'s, immunizations are not up-to-date and that you would have 20 days to have them updated. You raise concerns that the email was not from a legitimate source.
 - b. You raise concerns that you were instructed on ██████████, that beginning on ██████████, Student ██████ would need to quarantine for 10 days after being identified as a close contact of a person testing positive with COVID-19 at ██████████ School.

Review Procedures

The review included interviews with the following individuals:

1. ██████, ██████████ School Principal
2. ██████, D.C. Department of Health (DOH) Immunization Program Administrator
3. ██████, D.C. DOH Immunization Program Administrator
4. ██████, DCPS Director, Student Health Services

The review also included the following which were either submitted by the complainant, submitted by the school, or accessible via DCPS data systems:

1. Aspen, DCPS database for student attendance
2. Incident Reporting Tool, DCPS database for school incident reports including reports of COVID-19
3. ██████████ and ██████████ email chain between Parent ██████████ and ██████████ ██████████ School Nurse Manager ██████████ discussing immunization records for Student ██████████ and Student ██████████
4. DC Health Universal Health Certificates for Student ██████████ and Student ██████████
5. ██████████, email from Principal ██████████ to parents of students in Teacher ██████████'s class notifying of positive COVID-19 case, identification of student as a close contact, and transition to virtual class from ██████████, to ██████████
6. ██████████, ██████████ School Covid-19 Community Notification Letter

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to immunization requirements, the following applies:

1. DCPS Reopen Strong School Year ██████████ Immunization Requirements states, “[a]n up-to-date immunization record is required for in-person programming. Families must have an immunization certification for their student submitted by their first day of in-person attendance. Students without documentation will not be permitted to attend school in person and will continue to learn at home.”
2. DC Health School Immunization Requirements Guide states, “[a]ll students attending school in DC must present proof of appropriately spaced immunizations by the first day of school.”
3. DC Health Immunization Policy for In-Person Attendance states, “At the time that the School Health Team has confirmed that a student has not met the immunization certification requirements, the School Health Team shall immediately... [n]otify the parent, guardian, or adult student in writing that the student is out of compliance with the District’s immunization requirements, including specific reference to the missing immunizations.”
4. DC Health Immunization Policy for In-Person Attendance states, “[a]t the time written notice has been sent to the parent, guardian, or adult student, the school shall give the student a 20-school day period to present immunization certification.”
5. DC Health Immunization Policy for In-Person Attendance states, “[i]f a student remains non-compliant beyond a 20-school day period, the school shall remove the student from

attendance of in-person regular instruction until the immunization certification is secured by the school.”

As it relates to quarantine requirements, the following applies:

1. DCPS COVID-19 School Health Guidance states, “A person who is a close contact of someone with COVID-19 (within 6 feet for > 15 minutes) should quarantine for at least 10 days.”

General Findings of Fact

As it relates to updating immunization requirements within 20 days, the following apply:

1. In an [REDACTED], email, Nurse Manager [REDACTED] informed you that Student [REDACTED]’s and Student [REDACTED]’s poliovirus vaccines (IPV) were administered too early and would need to be updated within 20 days.
2. DCPS Director, Student Health Services [REDACTED] confirmed with DCPS CARE that [REDACTED] is the nurse manager for [REDACTED] School.
3. According to DOH Immunization Program Administrator [REDACTED], the DOH immunization registry allows a 4-day grace period for students to receive their immunizations based on guidance from the Centers for Disease Control and Prevention (CDC) regarding immunization schedules.
4. According to DOH Immunization Program Administrator [REDACTED], Student [REDACTED]’s and Student [REDACTED]’s IPV vaccinations fall outside of the 4-day grace period, requiring the students to receive updated IPV immunizations.
5. According to DOH Immunization Program Administrators, the minimum age for the fourth dose of the IPV vaccination is 4 years old. Student [REDACTED]’s fourth dose of the IPV vaccination was administered on [REDACTED], however, the minimum date for the immunization to be valid was [REDACTED]. Student [REDACTED]’s second dose of the IPV vaccination was administered on [REDACTED], however, the minimum date for the immunization to be valid was [REDACTED].
6. According to the DC Health Immunization Policy for In-Person Attendance, students are given 20 school days to present immunization certification beginning at the time the parent or guardian has been provided written notice that the student does not meet immunization requirements.

As it relates to Student [REDACTED] being instructed to quarantine, the following apply:

1. According to records in the Incident Reporting Tool, [REDACTED] School was notified of a positive COVID-19 case on [REDACTED].

-
2. Principal [REDACTED] reported to DCPS CARE that Teacher [REDACTED]'s classroom was impacted by the COVID-19 case. On [REDACTED], Principal [REDACTED] sent an email to families of students in these classrooms to notify them of the positive COVID-19 case and instructing students to quarantine from [REDACTED], to [REDACTED], due to being identified as close contacts.
 3. Student [REDACTED] is a student in Teacher [REDACTED]'s class.
 4. On [REDACTED], [REDACTED] School provided notice to the community of a positive COVID-19 case and the requirement of the affected classrooms to quarantine.
 5. According to DCPS COVID-19 School Health Guidance, a person who has been in close contact with someone with COVID-19 should quarantine for at least 10 days.

Discussion/Conclusion

As a result of this review, DCPS has found the following:

1. As it relates to updating your students' immunization requirements within 20 days, **5-B DCMR 2405.2(c)** is not substantiated. According to DC Health policy, students must present proof of appropriately spaced immunizations and, if a student has not met immunization requirements, the student will be given 20 school days to present immunization certification. The information you were provided from [REDACTED] School adheres to policies outlined by DC Health. Additionally, DCPS Director, Student Health Services [REDACTED] confirmed with DCPS CARE that [REDACTED] is the nurse manager for [REDACTED] School.
2. As it relates to Student [REDACTED] being instructed to quarantine, **5-B DCMR 2405.2(c)** is not substantiated. [REDACTED] School was notified of a positive case of COVID-19 on [REDACTED], affecting Teacher [REDACTED]'s classroom. According to DCPS COVID-19 School Health Guidance, close contacts of someone with COVID-19 should quarantine for at least 10 days. As all students in affected classrooms were instructed to quarantine as instruction continued virtually, [REDACTED] School has not displayed a discriminatory act by instructing Student [REDACTED] to quarantine. As such, there is no evidence to suggest Student [REDACTED] was subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct.

Although no violations were found, DCPS has taken the following action:

1. On [REDACTED], DCPS CARE provided you contact information for the DC Department of Health to request immunization exemption forms via email.

As the complainant, if you are not satisfied with the outcome, you have the right to file an appeal. Appeals must be submitted in writing and received within 10 calendar days of receipt of this notice. Please submit appeal requests to the Chief Integrity Officer (CIO) via U.S. Postal Mail to 1200 First St., NE, 10th Floor; Attn: CIO or via email at dcps.cio@k12.dc.gov. You may also contact the U.S. Department of Education, Office for Civil Rights (1-800-421-3481) to report any educational discrimination. If you have further questions, please do not hesitate to contact us at dcps.care@k12.dc.gov or 202.442.5405.

Sincerely,

[Redacted Signature]

[Redacted Name], Director CARE

CC: Principal
Instructional Superintendent