



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief Operating Officer

VIA EMAIL

August 13, 2021

██████████
████████████████████

RE: Letter of Response for Grievance #3892 filed on April 29, 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. You allege Student ██████████ was improperly excluded from in-person learning at ██████████ ██████████ due to immunization requirements.

Review Procedures

The review included interviews with the following individuals:

1. ██████████ DC Department of Health (DOH) Immunization Program Administrator
2. ██████████ Principal

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

1. March 25, 2021, to April 28, 2021, email communication between Parent ██████████, DCPS Student Health Services Specialist ██████████ DOH Immunization Program Administrator ██████████ ██████████ Business Manager ██████████ and Nurse ██████████ regarding Student ██████████ immunizations and DC DOH immunization requirements for in-person learning; including attachment of Student ██████████ immunization records
2. April 29, 2021, email from Principal ██████████ to Parent ██████████. regarding Student ██████████ immunizations

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3. Aspen, DCPS database for student attendance

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to immunization requirements, the following applies:

1. DCPS Reopen Strong School Year 2020-2021 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... [Notify 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.”

General Findings of Fact

1. 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. The school should remove the student from in-person instruction until immunization certification is secured.
2. In a March 25, 2021, email, Nurse █████ notified you that Student █████ first dose of the MMR vaccine and last dose of the IPV vaccine were invalid.
3. In a March 25, 2021, email, you reported to Nurse █████ that Student █████ received the MMR vaccine at 11 months and 9 days old.

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4. According to DOH Immunization Program Administrator [REDACTED], doses of the MMR vaccine given before 12 months of age cannot be counted toward the two-dose series of the MMR vaccine.
 5. According to DOH Immunization Program Administrator [REDACTED] the minimum age for the fourth dose of the IPV vaccination is 4 years old. Student [REDACTED] received their fourth dose of the IPV vaccination before 4 years old.
 6. According to the 20 school day timeline, immunization certification for Student [REDACTED] needed to be provided by April 28, 2021.
 7. According to Principal [REDACTED] Student [REDACTED] attended in-person learning on April 29, 2021, however, did not participate in their classroom.
 8. According to Principal [REDACTED], Student [REDACTED] immunization records were provided on April 29, 2021 and Student [REDACTED] was permitted to continue attending in-person learning on April 30, 2021.
 9. According to records in Aspen, Student [REDACTED] has not been absent due to immunization requirements.

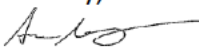
Discussion/Conclusion

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

1. 5-B DCMR 2405.2(c) is not substantiated. According to the DC DOH, Student [REDACTED] MMR and IPV vaccinations do not fall within the appropriate timeframe to comply with DC Health's Policy for in-person learning. 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 S [REDACTED] adheres to policies outlined by DC Health. Additionally, Student [REDACTED] was permitted to continue attending in-person learning

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,



Anitra Allen, Director CARE

CC: Principal
Instructional Superintendent