



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

CHRISTINA HENDERSON
Councilmember, At-Large
Chairperson, Committee on Health

Committee Member
Hospital and Health Equity
Judiciary and Public Safety
Transportation and the Environment

Statement of Introduction
Common Sense School Transparency and Accountability Act of 2023
February 17, 2023

Today, I am proud to introduce the Common Sense School Transparency and Accountability Act of 2023, along with Councilmembers Brianne K. Nadeau, Janeese Lewis George, Charles Allen, Zachary Parker, and Robert C. White, Jr. This legislation seeks to address several issue areas in schools with common sense and rational solutions.

Schools are where students learn and play, but unexpected events that impact school communities' health and safety can and do occur every day. It is important that the Council act to create safeguards and mandate the development of protocols that students and their families can rely upon in the face of unanticipated events that impact students' health, safety, and educational progress.

The first two provisions of this bill were developed based on recommendations made by the Ombudsman for Public Education to address lack of communication on the part of local education agencies (LEAs) on critical issues. Currently, when a special education staff member leaves a school, the students receiving specialized instruction and services experience learning loss. Staffing shortages often result in schools having difficulty implementing student Individualized Education Plans (IEPs). To address these situations, the first provision of this legislation would require LEAs to notify families of students with disabilities when a staff transition occurs, as well as the suspension of federally mandated instruction required specialized instruction. The second provision in this legislation addresses the lack of a standardized process for when student injuries occur. When a parent drops their child off at school, there is a trust that is placed on school staff to keep children safe. Not having documentation and communication to families in the event of an injury puts the families and children of all cognitive levels at risk.

Third, this legislation mandates that all schools install carbon monoxide detectors. Carbon monoxide poisoning is the second most common cause of non-medicinal death. 27 states and the District require carbon monoxide detectors in private dwellings via statute.¹ Despite this, no similar requirement exists for all schools. Multiple incidents of carbon monoxide poisoning have occurred in schools across the country so installing them is critical to ensuring the safety of all District students.

The final provision in this bill would require all LEAs in the District to provide annual eye and dental exams for all students. While some LEAs have already conducted these exams annually, it is necessary for these exams to be provided to all DC students. Identifying tooth decay, gum disease, and other oral health problems early in a student's life not only allows for easier



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treatment but can save future exorbitant costs for families. Identifying vision issues and providing students with glasses or contact lenses, has an enormous impact on a student's development.

Having uniform protocols and practices across all LEA's is incredibly important for families to feel a sense of security and trust with the schools that their children's attend. This is true especially when unexpected events occur and so this bill not only seeks to mitigate the potential for these events, but also improve the communication and relationship between families and their schools. I look forward to working with my colleagues on the Council and implementing this common-sense legislation.

1 Brianne K. Nadeau

2 Councilmember Brianne K. Nadeau

3 Christina Henderson

4 Councilmember Christina Henderson

5 Janeese Lewis George

6 Councilmember Janeese Lewis George

7 Charles Allen

8 Councilmember Charles Allen

9 Zachary Parker

10 Councilmember Zachary Parker

11 Robert C. White, Jr.

12 Councilmember Robert C. White, Jr.

13 A BILL

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16 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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23 To require local education agencies to notify a parent, guardian, or designated caregiver of
24 students who have disabilities when there is a staff transition, to require local education
25 agencies to create guidelines to document and communicate student injuries, to require
26 local education agencies to install carbon monoxide detectors within school buildings,
27 and to require local education agencies to make eye and dental exams available annually
28 for all students free of charge.
29

30 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
31 act may be cited as the “Common Sense School Transparency and Accountability Act of 2023”.

32 Sec. 2. Definitions.

33 For the purposes of this act, the term:

34 (1) “Compensatory education services” means services required to remedy any
35 educational or other deficits that result from the student with a disability not receiving the
36 evaluations or services to which they are entitled.

37 (2) "Local education agency" or "LEA" means the District of Columbia Public
38 Schools system or any individual or group of public charter schools operating under a single
39 charter.

40 (3) "Staff transition" means an event that results in a staff member no longer
41 being able to provide specially designed instruction to a given student due to:

42 (A) A resignation, termination, leave of absence, or reassignment.

43 (B) A disruption in transportation services provided by the Office of the
44 State Superintendent of Education.

45 (4) "Specially designed instruction" as defined by a student's individualized
46 education or 504 Plan as defined in section 504 of the Rehabilitation Act of 1973 (Pub. L. No.
47 93-112; 87 Stat. 394; 29 U.S.C. § 794.).

48 (5) "Student injury" means an injury that:

49 (A) Requires the student to leave school or the school-related activity for
50 medical treatment;

51 (B) Requires an ambulance to be called, regardless of whether the student
52 is transported to a medical facility;

53 (C) May have been partially or wholly caused by a physical condition of
54 the LEA grounds, equipment, the facility, or by a staff member or by another student; or

55 (D) Occurs while on a field trip and requires professional medical
56 attention.

57 (6) "Student with a disability" shall have the same meaning as provided in section
58 101(14) of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of
59 2006 (D.C. Law 16-269; D.C. Official Code § 38-2561.01(14)).

60 Sec. 3. Notification of staff transitions.

61 (a) A local education agency shall notify the parent, guardian, or designated caregiver of
62 a student with a disability when a staff transition occurs which results in the suspension of
63 required specially designed instruction for a given student.

64 (b) The notification shall be issued within 5 days of the staff transition and shall include
65 the following information:

66 (1) The projected time for hiring a replacement;

67 (2) A proposed schedule to make up for missed hours of specially designed
68 instruction as determined by a student's individualized education plan; and

69 (3) Available compensatory education services.

70 Sec. 4. Student injury guidelines.

71 (a)(1) The Office of the State Superintendent of Education shall create guidelines for
72 LEAs to document a student's injury and report the injury to the student's parent, guardian, or
73 designated caregiver.

74 (2) The guidelines shall be disseminated to schools by the first day of each school
75 year.

76 (b) A local education agency shall contact the injured student's parent, guardian, or
77 designated caregiver within one hour of the injury occurring.

78 (c) The Office of the State Superintended of Education shall provide all local education
79 agencies with standardized documentation detailing the incident that caused the injury to be sent
80 by the local education agency to the injured student's parents, guardian, or designated caregiver.

81 Sec. 5. Carbon monoxide detectors.

82 (a) Within 180 days of the effective date of this Act, the Office of the State
83 Superintendent shall promulgate guidelines to LEAs regarding the installation of carbon
84 monoxide detectors within school buildings.

85 (b) Within 180 days of the promulgation of the guidelines from the Office of the State
86 Superintendent of Education, all LEAs in the District shall install carbon monoxide detectors
87 within school buildings.

88 Sec. 6. Eye and dental exams.

89 (a) All local education agencies in the District shall make eye and dental exams available
90 annually for all students free of charge.

91 Sec. 7. Rulemaking.

92 The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act,
93 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules
94 to implement the provisions of this act.

95 Sec. 8. Fiscal impact statement.

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

99 Sec. 9. Effective date.

100 This act shall take effect following approval by the Mayor (or in the event of veto by the
101 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
102 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
103 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
104 Columbia Register.