



COVID-19, IDEA, & the Delivery of Services in Nonpublic Schools - PART I

Sept. 21, 2020

Agenda

Part 1 (10:30 a.m. – 12 p.m.)

- Review of OSSE- published coronavirus (COVID-19)-related guidance
 - Topics: Free appropriate public education (FAPE), individualized education program (IEP) service delivery, implementing distance learning and hybrid educational programming, and other special education compliance topics.
- Showcase an example of the collaborative implementation of a nonpublic school's distance learning plan in conjunction with an LEA.

Part 2 (1 – 2:30 p.m.)

- Review of District of Columbia regulatory requirements pertaining to nonpublic school safety measures and delivery of services
- Review of other topics: Payment, attendance reporting, and transportation



OSSE- Published COVID-19 Guidance & Distance Learning Plans

LaShonda Wilson, Nonpublic Program Monitor, OSSE

Edgar Stewart, Supervisory Monitoring Specialist, OSSE

OSSE- Published COVID-19 Guidance

- Guidance includes information on:
 - Health and safety resources
 - Educator licensing
 - Guiding principles for continuous education
 - Serving students with disabilities, homeless students, and English learners
 - Enrollment processes
 - Assessment, data and accountability
 - Educational resources for families
- [Updated OSSE Guidance Documents](#)

Distance Learning Plans

- **Q:** *If a nonpublic school operates in a jurisdiction that is in 100 percent distance (virtual) learning* modality, plans to follow suit, and a DC LEA decides to operate in hybrid (in-person and virtual) modality, what is OSSE's expectation regarding the learning modality of the nonpublic school?*
- **A:** It is OSSE's expectation that the nonpublic school continues to work in collaboration with the LEA on how services will be delivered. Such information should also be documented in the nonpublic school's distance learning plan. See [OSSE Guidance](#) & [IDEA, Part B Provision of FAPE: Guidance Related to Remote and Blended Learning](#)** for more information on nonpublic school distance learning plans*** for continuous education.

**For the purposes of this presentation, distance learning and virtual learning are used synonymously.*

***Blended learning is alternating between distance and in-person environments.*

****Continuous education takes place when both instruction and learning occur seamlessly across different learning environments, including in-person and virtual settings.*

Distance Learning Plans

- ***Q: If a DC LEA opts to provide its students with distance learning, AND a nonpublic school decides to offer in-person instruction, AND a parent wants their child to attend in-person at the nonpublic school, will OSSE object to the student attending in-person? Also, will OSSE Division of Student Transportation (DOT) transport the student?***
- A: If the LEA decides to implement a full-time distance learning model, the decision would not automatically extend to their students attending nonpublic schools. LEAs and nonpublic schools should work together to ensure students with disabilities have equal access to the educational opportunities provided to their nondisabled peers. Equal access may include equally effective alternative access. Discussions should also consider the health and safety of students, families, and school staff. OSSE DOT will continue in its current operating status but we are looking into any updates that may be needed based on a number of dependencies, including DCPS operating status. See [OSSE Guidance](#) and [IDEA, Part B Provision of FAPE: Guidance Related to Remote and Blended Learning](#).

Distance Learning Plans

- ***Q: Is a distance learning plan required for the 2020-21 school year?***
- A: Yes, a distance learning plan is required for all nonpublic schools that receive OSSE funding, both day and residential schools.

- ***Q: Is OSSE requiring a standardized distance learning plan (e.g., same content sections, formatting, etc.) to better determine what services will be delivered and the quality of the instruction?***
- A: No, OSSE is not requiring nonpublic schools to submit a standardized distance learning plan. However, to ensure the delivery of FAPE to nonpublic students, nonpublic schools should collaborate with LEAs to develop distance learning plans that align with LEA plans and with the [District of Columbia's SY 2020-21 LEA Continuous Learning & School Recovery Plan](#), and the [OSSE Guiding Principles for Continuous Education](#). Distance learning plans should be in compliance with the OSSE Certificate of Approval (COA) regulations.

Distance Learning Plans

- ***Q: Which entity (LEA or nonpublic school) is responsible for providing make-up services, recovery services, and compensatory education?***
- A: LEAs should incorporate into recovery planning the resources and timeframes that IEP Teams will be expected to meet to make individualized compensatory education decisions. An individualized determination whether compensatory services are needed must be made under applicable standards and requirements. LEAs have broad flexibility through the IEP Team process to discuss and make an individualized determination with regard to what compensatory services are needed and how they should be provided. Compensatory services can come in many forms. (For more information, please see [IDEA, Part B Provision of FAPE: Guidance Related to Remote and Blended Learning](#))



FAPE Requirements

LaShonda Wilson, Nonpublic Program Monitor, OSSE

Edgar Stewart, Supervisory Monitoring Specialist, OSSE

FAPE Requirements

- ***Q: How should nonpublic schools address a situation where a student does not participate in distance learning (after multiple attempts to re-engage) and does not complete work packets?***
- **A:** Attendance during the 2020-21 school year is required. Students are expected to attend school in accordance with the existing compulsory attendance rules and the nonpublic school's learning education method and scheduled school day/hours. Student absences and session no-shows should be addressed as usual (i.e., absences should be documented in service logs, notify the LEA after the required number of absences [five or 10 days]). Nonpublic schools are expected to reengage the students as usual. (See [2020-21 School Year Attendance Guidance](#))
- ***Q: If nonpublic schools are accepting tuition, are they required to provide related services?***
- **A:** Yes. Nonpublic schools are required to provide all instructional and related services according to students' IEPs.

FAPE Requirements

- ***Q: If a school (i.e., IEP team) determines that a student must have a 1:1/dedicated aide to access distance learning, they would have to hold an IEP meeting and add it as a service on the IEP for OSSE to pay for it, correct? Could an alternative be to write it into the student's Distance Learning Plan since it is specific only to distance learning, but that is a sort of "addendum" to the IEP rather than a part of the actual document?***
- **A:** OSSE pays for services prescribed on students' IEPs, and not for services indicated on an auxiliary document or for services determined by a group outside of the IEP team. Pursuant to Chapter 28 of Title 5-A of the District of Columbia Municipal Regulations (5-A 28 DCMR § 2821.15), and the authority granted in the City Administrator's Order 20-4 (April 13, 2020), and upon written requests by LEAs, OSSE will continue to remit payment for tuition, related services and residential services in the 2020-21 school year until otherwise advised by OSSE. If an IEP team is making decisions about the services a student is to receive as part of their special education and related services, such decisions should be documented through the IEP process. (See [IDEA, Part B Provision of FAPE: Guidance Related to Remote and Blended Learning](#))



LEA & Nonpublic School Collaboration: Inspired Teaching Demonstration School & Kennedy Krieger Schools

*Samantha Lincoln, Director of Student Support Services, Inspired Teaching
Demonstration School*

Patrick Seay, Assistant Vice President, Kennedy Krieger Schools

LEA & Nonpublic School Collaboration

Based on the [OSSE Guiding Principles for Continuous Education](#)

Three Pillars of Continuous Education

1. High Expectations
 - a. Content Standards
 - b. Delivery of Instruction
 - c. Feedback on Student Work
 - d. Student Attendance
2. Equity & Access
 - a. Whole Student Supports
 - b. Students with Disabilities
 - c. English Learners
 - d. Access to Technology
3. Family Engagement
 - a. Family Partnerships
 - b. Family Communication

Nonpublic School Safety Measures Resources

OSSE Guidance

- [Health and Safety Guidance for Schools Slide Deck: COVID-19 Recovery Period](#) (Updated: Sept. 2, 2020)
- [Health and Safety Guidance for Schools: COVID-19 Recovery Period](#) (Updated: Aug. 21, 2020)
- [School Health and Safety Frequently Asked Questions: Coronavirus \(COVID-19\) Recovery Period](#) (Updated: Aug. 21, 2020)

DC Coronavirus Guidance

- [Coronavirus \(COVID-19\) Resources](#)

CDC Resources

- [COVID-19 Resource Page](#)
- [Schools & Child Care](#)

Contact Information and Resources

Contact Information:

- Dr. Edgar Stewart (Nonpublic Monitoring) Edgar.Stewart@dc.gov
- Yvonne Smith (Nonpublic Invoice & Payment) YvonneS.Smith@dc.gov
- Jason Campbell (Transportation) Jason.Campbell@dc.gov

Resources

- [Guidance and Resources for COVID-19-related Closures and Recovery](#)
- [Special Education Resource Hub: What Families & Students Need to Know this Year](#)