



Proposed Chapter 30 Special Education Regulations Overview

July 12, 2017

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Agenda

- What is an Advanced Notice of Proposed Rulemaking?
- Chapter 30 Background and Goals
- 2014 Special Education Acts
- Incorporating Existing Policy
- Highlighted Areas of Interest
- Next Steps



Advanced Notice of Proposed Rulemaking

- Opportunity for stakeholders to preview draft regulations and provide feedback prior to formal rulemaking.
- Public comment period: Monday, June 26, 2017 through Wednesday, July 26, 2017.
 - Via email: OSSE.Publiccomment@dc.gov
 - Via mail:

Attn: Elisabeth Morse, Deputy Asst. Superintendent for Policy, Planning, and Charter Support
810 First St. NE
Eighth Fl.
Washington, DC 20002
- OSSE will not conduct public hearings during the period of advanced notice.
 - Questions? Contact Christie Weaver-Harris at Christie.Weaver-Harris@dc.gov or (202) 741-0470.

OSSE will conduct formal proposed rulemaking, including public comment and public hearing, in fall 2017.



Chapter 30 Background and Goals

- History
 - The last major overhaul of Chapter 30 predates OSSE (2003) while IDEA was reauthorized in 2004 with updated federal regulations released in 2006.
 - Updates have occurred in small pieces. Impactful changes in practice have been accomplished through formal policy.
- Administrative goals
 - Move special education into OSSE's current title 5A.
 - Clarify existing language and remove confusing or outdated references.
 - Reorder the chapter to more closely align to IDEA and the special education process.
- Programmatic goals
 - Update regulations to reflect current and best practice. This draft does not represent a significant shift in practice.
 - Incorporate existing policy requirements.
 - Introduce new requirements intended to:
 - Improve the provision of special education for students with disabilities;
 - Provide clarity on LEA responsibilities; and
 - Address anticipated legal changes.



Chapter 30 Background and Goals

- Public Engagement
 - This draft is reflective of years of engagement with stakeholders, including focus groups conducted in 2014.
 - Multiple opportunities for stakeholders to provide feedback:
 - Advanced Notice of Proposed Rulemaking;
 - Notice of Proposed Rulemaking;
 - Public comment
 - Public hearing
- Anticipated Timeline
 - Advanced Notice of Proposed Rulemaking: June 26, 2017- July 26, 2017.
 - Notice of Proposed Rulemaking: planned fall 2017.
 - Final rules effective for school year 2018-19.



2014 Special Education Acts

- Incorporates DC Code and regulatory changes from the 2014 DC Council legislation affecting special education.
- Mostly addressed in the 2015 special education regulations update.
 - Initial evaluation timeline (proposed §3006.5)
 - Secondary transition age (proposed §3027.1)
 - Transfer of rights (proposed §§3036-3038)
- New topics: Special Education Student Rights Act of 2014 (currently found in DC Code §38-2571.03 and the OSSE Part B Procedural Safeguards)
 - Parent notice before change in service location (proposed §3033.1) – adding for clarity
 - Provision of documents to parents (proposed §3010.4) – added to heighten awareness
 - Parent observation (proposed §3042) – added to heighten awareness
 - Due process hearing burdens of proof and persuasion, expert witness fees, hearing officer selection and termination, and attorney abuses (proposed §§3054-3056) – added for completeness



Incorporating Existing Requirements

- The draft proposed regulations incorporate requirements currently found in longstanding policy:
 - Nondiscrimination in the Charter School Application Process Policy
 - Comprehensive Child Find System Policy
 - IEP Implementation for Transfer Students Policy
 - IEP Amendment Policy
 - Related Services Policy
 - Policies and Procedures for Placement Review [Placement Outside of the LEA] (including placement and programmatic requirements from Chapter 28)
 - Extended School Year Policy (eligibility requirements; service provision for transfer students; ESY transportation eligibility)
- Policies will be updated, and in some cases rescinded, in accordance with the final Chapter 30 regulations.



Highlighted Areas of Interest

- §3012 Disability Categories
 - Updates definitions, criteria, and IEP team considerations
- §3015 Adapted Physical Education
 - Provides clarity around expectations for adapted PE
- §3024 Homebound Services and Hospital Instruction
 - Addresses general requirements for LEA provision of services
- §3025 Home Instruction
 - Addresses general requirements for LEA provision of services
- §3027 Secondary Transition
 - Accounts for change in secondary transition planning age from 16 to 14
- §3028 IEP Certificate of Completion
 - Provides a framework for awarding a certificate to encourage meaningfulness of the credential; does not affect access to FAPE
- §3029 System of Record
 - Establishes in regulation the state-level system (SEDS) as the system of record



Highlighted Areas of Interest

- §3030 Confidentiality of Education Records
 - Addresses general requirements and references to FERPA
- §3031 Paraprofessionals
 - Establishes framework and minimum qualifications for personnel providing paraprofessional/ aide services
- §3041 Parentally-Placed Private School Children When FAPE Is Not At Issue
 - Incorporates IDEA requirements and existing processes for parentally-placed private school students
- §3043 Disciplinary Removal
 - Incorporates IDEA requirements for disciplinary removals and manifestation determinations
- §§3044-3046 Restraint and Seclusion (and reporting requirements)
 - Adopts current nonpublic requirements as applicable to students in LEAs
- §3099 Definitions
 - Updates language in accordance with IDEA



Questions?



Contacts

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810 First St. NE,
Eighth Fl.
Washington, DC 20002
- Questions about the Advanced Notice of Proposed Rulemaking
 - Christie Weaver-Harris (Christie.Weaver-Harris@dc.gov; 202-741-0470)
- Questions about OSSE special education regulations, policy, or guidance
 - ESSE Policy Team: OSSE.DSEpolicy@dc.gov



| Thank you!