IDEA, Part B Provision of FAPE: Guidance Related to Remote and Blended Learning

(Updated March 24, 2021)

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Introduction

Background

As a part of the District of Columbia's response to the coronavirus (COVID-19) pandemic, the Office of the State Superintendent of Education (OSSE) is offering this document to accompany previously issued guidance by the US Department of Education (USED), Office of Special Education Programs (OSEP) on ensuring a free appropriate public education (FAPE) during the COVID-19 outbreak, which can be accessed here, and a supplemental fact sheet available here. This document serves as a comprehensive Individuals with Disabilities Education Act (IDEA) guidebook to consolidate guidance previously issued to support local education agencies (LEAs) in meeting their obligations related to Part B of IDEA.

Scope

This document contains guidance on LEA responsibilities under Part B of IDEA relating to the provision of FAPE in instances where LEAs are required to close their doors or limit access to buildings because of a local or national emergency and transition to distance or blended learning models. Previously issued guidance related to the provision of IDEA Part B is consolidated throughout and organized consistent with the special education process. This document additionally provides newly issued guidance on procedures related to IDEA Part B, specifically concerning parent training as a related service, telehealth, homebound instruction and optional distance learning, and servings students who are medically fragile.

Previously issued guidance consolidated herein include:[1]
- o Nonpublic Schools Guidance: Part III (Took effect: July 1, 2020)
- o Frequently Asked Questions Related to IDEA Part B (Issued: May 29, 2020)
- o Nonpublic School Payments Frequently Asked Questions (Issued: May 20, 2020)
- o IDEA, Part B Extended School Year (ESY) Guidance (Issued: May 4, 2020)
- o Special Education Monitoring Update (Issued: April 30, 2020)
- o Frequently Asked Questions Related to IDEA Part B (Issued: April 15, 2020)
- o Nonpublic Schools Guidance: Part II (Issued: April 15, 2020)
- o Nonpublic Schools Guidance (Updated: April 6, 2020)
- o Frequently Asked Questions Related to IDEA Part B (Issued: March 25, 2020)
- o IDEA Part B Guidance (Issued: March 12, 2020)

This document generally constitutes informal guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

Date Issued

This guidance was first issued on July 20, 2020 and updated on December 15, 2020. It will remain in effect until further notice.

Guidance on the Provision of FAPE in a Remote or Blended Learning Model

OSSE continues to acknowledge that LEAs and schools are operating in a rapidly changing environment, under unprecedented circumstances lasting for unpredictable timeframes. We remain committed to

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[1] Please note that these documents remain posted on the OSSE website for continued access to portions not incorporated here.

being flexible and accommodating where possible and offer this consolidated guidance as a guidebook to ensuring equitable access to educational opportunities for students with disabilities. In the absence of federal or local guidance, LEAs should establish policies and procedures consistent with IDEA requirements.

An LEA continues to have the obligation to provide FAPE to a student with a disability during extended closures resulting in distance or blended-learning models arising from a local or national emergency. LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in students' individualized education programs (IEPs) and any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities. LEAs should continue to consider the availability of remote learning materials through multiple modalities (e.g., US Postal Service, electronic format, in-person pick-up, etc.) as part of needed modifications or alternatives to make the curriculum accessible to students with disabilities. LEAs should additionally deploy flexible options for students to return work completed during remote learning. The health, safety and well-being of families and staff should be considered when making these decisions and LEAs should comply with OSSE Health and Safety Guidance for Schools: COVID-19 Recovery Period. Good faith efforts to employ equity and flexibility in remote and blended learning models will ensure LEAs deliver services to students with disabilities to the greatest extent possible.

As appropriate, IEP teams should consider including distance learning plans in a student's IEP that could be triggered and implemented during an extended school closure arising from a local or national emergency. Creating such a contingency plan before an extended student absence or school dismissal gives the student's service providers and the student's parents an opportunity to reach agreement as to what circumstances would trigger the use of the student's remote learning plan and the services that would be provided during the dismissal.

LEAs should design educational programming to conform with Centers for Disease Control and Prevention (CDC), DC Health, and OSSE guidance, and in doing so, considerations should be given to a student's IEP and least restrictive environment (LRE). LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in students' IEPs and the accommodations and related services identified in students' 504 Plans. (OSEP Guidance A-1). Regardless of the severity of a student's disability, LEAs should make every effort to enable full participation of students with disabilities in building activities, and to mitigate factors that could discourage participation, such as cost and accessibility. LEAs are reminded of their responsibility to ensure that students with disabilities are educated to the greatest extent possible with their nondisabled peers. (34 CFR §300.114). For additional information on the flexibilities available under IDEA for service delivery please see IDEA Part B Procedures below.

Resources
LEAs are encouraged to access and utilize the following resources developed to assist LEAs in establishing data-informed policies and procedures for serving students with disabilities in distance or blended learning contexts, and ensuring that those policies and procedures are consistent with IDEA requirements described herein.

   Introductory Webinar: *Serving Students with Disabilities During Periods of Remote or Blended Learning*.

Resources: Three resources designed to support adaptation and/or implementation of the practices shared in the presentation are available electronically:

- [A copy of the PowerPoint presentation used during the webinar](#)
- [The new toolkit which serves as the basis of the webinar: Serving Students with Disabilities During Periods of Remote and Blended Learning](#)
- [A PDF copy of several forms, templates, and resources that will be shared with LEAs for their optional use and replication](#)

Deep-dive webinar series: The following professional development series fully explores each core principle, including how these tools can work together to enhance LEA programming, engagement, and data collection and analysis practices.

Session One: Balancing LEA Discretion and Flexibility
- Examples of flexible and creative approaches for delivering a wide variety of services in the remote learning context;
- Ways to engage families in consideration of flexible options for service delivery;
- Examples of how LEAs can determine and address each family's level of access to technology and needs for support to effectively partner in remote service delivery; and
- Possible solutions to address gaps in access or readiness to partner for service delivery.

Session Two: Ensuring Transparency and Collaboration
- Ways LEAs can document meaningful parent engagement in the decision-making process;
- A variety of examples of how the LEA can communicate to the parent, in writing, what services the student will and will not receive during this time and the rationale for each determination;
- Examples of customer service-oriented communication to families; and
- Ways to document efforts to be flexible in service delivery scheduling.

Session Three: Data-driven Supports
- Sample systems for collecting and reviewing data to develop student- and family-specific supports; and
- Ways to use data to consider the educational benefit received by the student.

Questions?
If you have questions relating to this guidance please contact the Division of Systems and Supports, K-12 policy team at OSSE.DSEpolicy@dc.gov.

IDEA, Part B Provision of FAPE Frequently Asked Questions

IDEA Part B Procedures
Q1: How can LEAs ensure students with disabilities have equal access to educational opportunities provided to the general student population, including the availability of remote learning materials?
A: LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in students IEPs (OSEP Guidance A-1). LEAs should provide any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities (See USED Supplemental Fact Sheet p. 2P Guidance A-1.). In doing so, LEAs must make decisions that take into consideration the health, safety, and well-being of all their students and staff (USED Supplemental Fact Sheet, p. 1). LEAs should consider the availability of remote learning materials through multiple modalities (e.g., US Postal Service, electronic format, in-person pick-up, etc.) as part of needed modifications or alternatives to make the curriculum accessible to students with disabilities. LEAs should additionally deploy flexible options for students to return work completed during remote learning. The health, safety and well-being of families and staff should be considered when making these decisions. Good faith efforts to employ equity and flexibility to ensure that students receive distance learning materials will ensure LEAs deliver services to students with disabilities to the greatest extent possible. Please see additional information on how LEAs and families can partner to ensure students receipt of services in the question below.

Q2: How can LEAs communicate with families about the delivery of IEP services through remote learning?
A: LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in the student's IEP (OSEP Guidance A-1). In doing so, LEAs should ensure that school professionals delivering IEP services to the student (e.g., special education coordinators, classroom teachers, special education teachers, and related service providers) regularly communicate with families throughout the remote learning period. The frequency and method of communication may vary depending on the student's individualized needs, parent needs for support to deliver remote learning, and the services and supports required by the student's IEP.

Consistent and clear communication encourages parent and student participation in remote learning and other educational opportunities. These practices additionally ensure student availability for progress monitoring and create opportunities for LEA modification of supports as necessary to address student achievement. Activities that LEAs may consider to increase student engagement include, but are not limited to: scheduling service delivery at mutually agreeable times, LEA-specific identification of technical requirements for mobile platform access, and ensuring the availability of troubleshooting resources for mobile platforms. LEAs are encouraged to utilize remote learning plans or other forms of written communication to inform families of the services their child will receive and should be available through remote learning.

The DC Public Charter School Board (PCSB) maintains a publicly available list of LEA points of contact, including special education staff. LEAs should ensure that contact information is either up to date on their websites or that this information is up to date on the PCSB website, including email contact information for their special education points of contact at each campus so that parents and other stakeholders may know whom to contact.

Q3: Does refusal by a student or parent to participate in educational opportunities during school closure, including periods of partial or full distance learning, constitute a revocation of consent for the continued provision of services under IDEA Part B?
A: No, refusal to participate in distance learning or other educational opportunities during school closure or limited access to in-person instruction due to a public health emergency does not constitute a revocation of consent for special education and related services under IDEA Part B. LEAs should collaborate with families to address written, verbal, and non-responsiveness from families regarding unavailability for remote learning (ED Supplemental Fact Sheet p. 2). Please see the question above for additional information on flexibilities an LEA may exercise to encourage student participation in remote learning. Please also see the OSSE Related Services Policy for additional information on LEA obligations to continue to make service provision available in instances of interruptions in services including repeated or predictable student absences. This includes the requirement to maintain and provide accurate and clear documentation of all instances of attempted service provision, including an explanation behind each missed session (OSSE Related Services Policy at p. 10-11).

This guidance does not limit a parent's right to revoke consent for all special education and related services at any time (34 CFR §300.9(c)(1)). Parents must do so in writing, and LEAs must issue a prior written notice (PWN) in response (34 CFR §300.300(b)(4)). Please see the OSSE Initial Evaluation/Reevaluation Policy for additional information on the requirements for parent revocation of consent for special education and related services and resulting LEA obligations.

Q4: Can Special Education Data System (SEDS) users use alternative means for parents to provide signature on required documents during a period of distance learning?
A: Yes, LEAs may document parent signatures using alternative means, including by email attachment of the parent's signature on required documents, standard mail, scanned document, photograph of the signed document, or electronic signature. OSSE recommends LEAs document the receipt of parent signature and resulting impact of the consent through prior written notice. For example, if a parent provides a scanned copy of the parent's signature consenting to hold a virtual IEP team meeting, the LEA should document that agreement in a PWN.

In instances where electronic signature is used, LEAs must take steps to ensure the integrity of the consent process, including using an electronic signature format that identifies and authenticates a particular person as the source of the signature and indicates such person's approval of the information contained in the electronic consent.

Q5: Are LEAs required to hold IEP Team meetings or complete IEP amendments for all students with disabilities receiving remote or blended[2] learning?
A: No, IEP Team meetings and IEP amendments are not required for all students with disabilities to transition to remote or blended learning. Generally, LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in the student's IEP (OSEP Guidance A-1). An LEA can provide FAPE to students with disabilities through distance or blended learning models, even if some services are provided in a different manner than they are typically provided (USED

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[2] "Blended" learning is alternating between distance and in-person environments. (*See* OSSE Guiding Principles for Continuous Education at p. 1, available at:
https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Guiding%20Principles%20for%20Continuous%20Education%206.30.20.pdf)

Supplemental Fact Sheet p. 1-2). LEAs should provide any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities (USED Supplemental Fact Sheet p. 2). Services that are not able to be provided should be addressed through an IEP Team meeting when school resumes (OSEP Guidance A-3). If an LEA is providing educational opportunities, the LEA must ensure equal access to such opportunities for students with disabilities. IEP Team meetings shall be considered on a case by case basis when a student receiving distance or blended learning requires special considerations to equitably access the educational opportunities provided to all students. When necessary, OSSE encourages LEAs to conduct meetings via phone or video conference and to remain flexible and creative in their strategies to engage parents in these conversations. Alternatively, a parent of a child with a disability and the LEA may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP (OSSE IEP Amendment Policy).

OSSE reminds LEAs that IEP revisions should be based on student-specific needs, not services available through an LEA's distance or blended learning program. The inability to provide services required by a student's IEP, including limitations due to an LEA's distance or blended learning program, should be addressed through discussions related to compensatory education upon return to school. Please see Q15 for additional information on compensatory education. IEP revisions (either through IEP meetings or agreements to amend without a meeting) also are needed when the student with a disability is doing something different from the rest of his or her classmates, and thus needs an individualized determination, including but not limited to the following:

- The student is out of school for an extended period of time because he or she is sick with any illness resulting in a public health emergency and the school remains open (OSEP Guidance A-2)
- The student is out of school due to a higher risk of medical complications from the illness resulting in a public health emergency when the school remains open (OSEP Guidance A-4)

Please see the OSSE IEP Amendment Policy for additional information on the IEP amendment process, including procedures for completing IEP amendments with and without holding IEP Team meetings (OSSE IEP Amendment Policy).

Q6: What is the procedural timeline for LEA completion of initial evaluations, triennial reevaluations, and annual IEP meetings delayed by circumstances related to COVID-19 upon return to normal operations?
A: LEAs should make attempts to meet IDEA procedural timelines to the greatest extent possible, and to reach agreements with parents on extension of procedural timelines where possible. OSSE, however, recognizes that LEAs will experience an unprecedented volume of workload related to IDEA compliance and updates to student programming upon return to normal operations, and this volume may begin during the phased reopening of DC schools. LEAs should resume all activities delayed by circumstances related to the public health emergency as soon as possible. As part of recovery planning efforts, LEAs should identify delays due to student unavailability and impossibility and consider on a student-by-student basis a reasonable timeline for completion of the required activity (e.g., initial evaluation, reevaluation, IEP revision, etc.). In doing so, LEAs should consider the availability of student data, student-level recovery planning, and LEA-wide recovery planning activities. LEAs should communicate anticipated timeframes for completion of delayed procedural activities to families.

OSSE reminds LEAs of the requirement to document delayed procedural timelines due to student unavailability or impossibility via PWN in the student's SEDS file ([OSSE IDEA Part B FAQ, April 15, 2020, Q6 and 7](#)). LEAs are required to meet the due dates established through mutually agreed to extensions of time between the LEA and parent. LEAs are reminded that mutually agreed to extensions of time must also be documented via PWN in the students' special education data system file (Q22 and Q23). For additional information on how OSSE IDEA Part B monitoring will address procedural delays exceeding required regulatory timelines, please see Q22.

Q7: How should LEAs collect student data when face-to-face evaluations are impossible?
A: Student data may be collected through formal and informal means. Informal data collection may include student observations, classroom data, parent input, student input, IEP progress reports, and any other informal means of data collection.

Q8: Is there specific language that should be used on progress reports issued during LEA closures?
A: OSSE does not require specific language to be included in student progress reports. Student progress reports should continue to reflect individualized student information. LEAs are encouraged to continue to utilize this mechanism to gather student data, engage in transparent communication with families, and inform their student and LEA-level recovery planning.

Q9: How do I address medically fragile students returning to in-person instruction?
A: IEP Team meetings shall be considered on a case-by-case basis when a student receiving distance or blended learning requires special considerations to equitably access the educational opportunities provided to all students. In preparation for the reopening of school buildings, IEP Teams should convene, as appropriate, to determine the accommodations and modifications students identified as medically fragile may need to equitably access educational opportunity and amend their IEPs. When determining appropriate supports or placements for students identified as medically fragile, IEP teams should consult with the student's healthcare provider.

IEP teams should consider on an individualized basis, whether home instruction is an appropriate placement. IEP teams may additionally consider continuing full-time distancec learning or smaller groupings[3] for students who are immuno-compromised.

Related Services, Telehealth, and Application of DC Administrative Order No. 2020-02 ("License Waiver Order")
Q10: How can IEP services be utilized to support parents as they facilitate the provision of specialized instruction and related services at home?
A: All IEP Teams must consider the student's need for related services, which are developmental, corrective, and other supportive services as required to assist a child with a disability to benefit from special education. The IDEA includes parent counseling and training as a potential related service to help parents acquire the necessary skills that will allow them to support the implementation of their child's IEP (34 CFR §300.34). IDEA does not require the presence of the student during the delivery of parent counseling and training. LEAs may not shift the burden of provision of FAPE to parents under any

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[3] See OSSE Health and Safety Guidance for Schools at p. 5 for additional information on student grouping in accordance with health and safety guidelines. (Available at https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Health%20and%20Safety%20Guidance%20for%20Schools%2007.06.20.pdf).

learning model, but OSSE advises LEAs to consider the related service of parent counseling and training for delivery of supports to parents during distance and blended learning. A decision to include parent counseling and training as a related service must be made by the IEP team.

LEAs may document the delivery of parent counseling and training for delivery of supports to students during distance or blended learning models through SEDS. SEDS currently indicates that all parent counseling and training include the presence of the student. LEAs may include information in the service delivery notes indicating whether or not the student was present for the counseling and training.

Q11: What practices can LEAs use to strengthen planning and coaching strategies to improve the delivery of special education services during remote or blended learning?
A: LEAs may use best practices to improve the delivery of specialized instruction and related services during remote or blended learning, including strategies designed to strengthen planning. These best practices include, leading pre-session activities that ensure families and students are available for services. LEAs should ensure technology is accessible prior to initial service provision, ask families how much time they can devote to the virtual session with their child, and identify solutions to anticipated distractions. LEAs should ensure that families have a written schedule of service delivery times and technical assistance numbers to address technology failures.

These practices include joint planning for ongoing virtual service delivery, two-way feedback, and reflection that drives individualized service delivery. At the close of each virtual service delivery session, LEAs should confirm that families are available for the next regularly scheduled service delivery opportunity.

Q12: How does the DC waiver of licensure requirements for healthcare providers apply to the provision of related services as defined in the IDEA?
A: This order offers flexibility for LEAs to provide related services through healthcare practitioners who are not licensed in DC but are properly licensed, registered, or certified and in good standing in their home jurisdiction.

Q13: How does the License Waiver Order apply to students receiving related services who are enrolled in a District LEA and whose location of service is in an out-of-state nonpublic school?
A: This order allows out-of-state healthcare practitioners to continue, during school closures due to COVID-19, to provide related services via telehealth to patients who have returned to DC and with whom they have an existing relationship. This allows students with out-of-state nonpublic location assignments who have returned home to continue to receive services via telehealth from their regular out-of-state provider.

Homebound Instruction and Optional Distance Learning
Q14: What is the difference between homebound instruction that is determined necessary by an IEP team, and distance learning?
A: Each public agency must ensure that a continuum of alternative placements is available to meet the needs of students with disabilities for special education and related services, including home instruction and instruction in hospitals and institutions. (34 CFR §300.115) Homebound instruction may be necessary for a student with a disability who is unable to attend school for medical or psychological reasons. The decision of whether to place a student with a disability on home instruction is made on an individual basis by the IEP Team, in accordance with the requirement to provide FAPE and LRE

considerations found at 34 CFR §300.115. LEAs are reminded that a homebound placement based solely on parent preference is not appropriate.

Public health emergencies may present unique considerations with regard to a student's medical needs. In the event that a student with a disability has an extended absence from school (generally more than 10 consecutive school days) because the student has been advised, requested, or required to stay away by public health authorities, the student's IEP Team must convene to review the student's placement determination. Homebound instruction is on the continuum of placements that the IEP Team should consider. If the IEP Team determines that a change in the student's placement to homebound instruction is necessary, the team must complete an IEP amendment consistent with the requirements of OSSE's IEP Amendment Policy reflecting the student's change in placement and revised services, including specialized instruction and related services, as appropriate. If neither parent can attend an IEP Team meeting, the LEA must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with 34 CFR §§300.322(c) and 300.328.

Regarding service delivery for such students, school administration officials and the student's IEP Team, in consultation with public health officials, must determine whether the student is available for instruction and would benefit from such instruction during the period of any absences. As part of its considerations, the IEP Team should follow appropriate health and safety guidelines[4] to assess and address the risk of transmission in the provision of such services. Homebound services may include instructional telephone calls, homework packets, internet-based lessons, and other distance-based learning approaches. In determining the appropriate homebound services, an IEP Team should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. LEAs are required to take attendance for students receiving homebound or hospital instruction.

The IEP Team should consider the individualized needs of the student and the impact of the student's disability on their ability to access homebound instruction. Homebound instruction may be delivered through distance learning models. IEP Teams should also consider whether the student requires assistive technology devices or services to access homebound instruction or distance learning opportunities. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted or the replacement of such device.

A decision by an LEA to provide distance learning is not based on the medical or psychological conditions of students but rather is a determination that may be made by the LEA in consideration of larger concerns for public health if students were permitted to attend in-person instruction.

LEA Recovery Planning and Compensatory Education
Q15: When does a student need compensatory services, how should those services be determined, and how should those services be provided?
A: If a student does not receive services for an extended period of time (generally more than 10 consecutive school days), an IEP Team must make a subsequent individualized determination to decide whether a student with a disability requires compensatory services to make up for any skills that may have been lost because the student did not receive educational benefit. This could result from extended

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[4] Please see OSSE Health and Safety Guidance for Schools for additional information.

school closure, one or more of the student's IEP services that could not be provided through distance learning, a delay in provision of services during the transition to a remote learning model, or the student's unavailability to receive services due to sickness or other concerns (OSEP Guidance A-1, A-2, A-3, A-4, USED Supplemental Fact Sheet p. 2). LEAs will need to convene the IEP Team to make an individualized determination whether compensatory services are needed when school resumes.

An individualized determination whether compensatory services are needed must be made under applicable standards and requirements. The IDEA does not specifically address compensatory services, as such compensatory services were developed by courts as an equitable remedy for denials of FAPE. However, 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 example, an IEP Team could decide that the student needs compensatory services before or after school or on the weekends. Or the IEP Team could decide to increase the student's IEP hours or services for a time-limited and time-certain period.

Q16: What is the difference between compensatory education and extended school year services (ESY)?
A: Compensatory services, which are intended to put the child in the position he or she would have been in had the LEA provided the services in the first place (*Reid v. Dist. of Columbia*, 43 IDELR 32 (D.C. Cir. 2005)), are separate and distinct from extended school year (ESY) services, which are intended to prevent significant loss of the benefits gained during the regular school year during school breaks (OSSE ESY Policy p. 2-3, March 10, 2011). However, this would not prevent the IEP Team from adding compensatory services into the student's regular ESY programming, as long as they do not interfere with it. The IEP Team can also decide that the LEA will provide compensatory services to student at the same time and place the LEA is providing ESY services to other students. Additional guidance on ESY certification is forthcoming.

Q17: When LEAs resume normal operations, will LEAs be required to consider compensatory education services for every student who has an IEP?
A: Yes, upon returning to normal operations, LEAs will likely need to consider whether or not compensatory education is appropriate for each student with a disability enrolled in their LEA during the timeframe during which the LEA was closed and all students received remote learning. Whether and to what extent each student receives compensatory education services, is an individualized determination made by the student's IEP Team (USED Supplemental Fact Sheet p. 2).

Q18: When must compensatory education decisions be made for individual students, and when may the delivery of compensatory education services begin?
A: IEP Team decisions regarding compensatory education and the timeframe for the delivery of compensatory education services resulting from circumstances related to COVID-19 should be individualized. The US Department of Education has acknowledged that *once school resumes*, IEP Teams must make individualized determinations as to whether compensatory education services are needed to address lapses in services (OSEP Guidance Question A-1, USED Supplemental Fact Sheet at p.2). LEAs should continue to collect student data during periods of distance and blended learning, and incorporate information learned from data collection into LEA-wide and student-level recovery planning. In doing so, the LEA will be positioned to assess and mitigate student regression. LEAs should

additionally incorporate into recovery planning, the resources needed and the timeframes that IEP Teams will be expected to meet to make individualized compensatory education decisions.

Recovery services implementation should occur in the context of a continuum of supports, designed to deliver these services synchronous with daily instruction. Compensatory education should be considered by IEP Teams to address what recovery services cannot.

LEAs are encouraged to communicate transparently with families regarding student-level recovery planning, including anticipated timeframes for compensatory education discussions and service delivery, as appropriate. IEP Teams should make individualized decisions regarding when a student's compensatory education services should begin and end, and the modality and method of receipt of those services. Please see OSSE's March 25, 2020 IDEA Part B FAQ at Q11, and April 15, 2020 IDEA Part B FAQ at Q3, Q4, and Q5 for additional guidance on IEP Team decision-making related to compensatory education.

Q19: For students transferring between LEAs, is the previous or new LEA of enrollment responsible for the delivery of services contemplated to mitigate student regression and contribute to recovery of loss of learning that may have occurred during school closure due to a public health emergency? For the delivery of compensatory education services?
A: LEAs are responsible for ensuring the delivery of services designed to mitigate student regression and address recovery of loss of learning that may have occurred during school closure or remote or blended learning due to COVID-19, as appropriate, to all students enrolled in their LEA (See OSEP Guidance Question A-1: "Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's IEP"). This includes assessing the students' need for services, inclusion in the LEAs' school-wide recovery planning framework, and delivering specialized instruction and related services as appropriate. LEAs are encouraged to draw on existing student data from the previous LEA of enrollment in conducting these activities. LEAs should consider the previous LEA's recover planning for the student during the IEP review and revision procedures for students transferring into their LEA as discussed in detail in the OSSE IEP Implementation for Transfer Students Policy.

The previous LEA is responsible for the determination and delivery of compensatory education services, as appropriate, to compensate for periods of lapsed service delivery, regardless of whether or not the student remains enrolled at the LEA. In the instance of students who may be removed into the United States Bureau of Prison, LEAs should consider the feasibility of expediting delivery of compensatory services to ensure receipt of services prior to exit from the District of Columbia prison system.

Enrollment of Students with Disabilities in District of Columbia LEAs
Q20: May LEAs unenroll students for non-attendance while schools are closed due to the public health emergency? *(updated December 15, 2020)*
A: Yes. During the 2020-21 school year, enrollment and attendance requirements are in effect. LEAs should follow their attendance policies and seat waiver application plans as they relate to student attendance and engagement in distance learning. LEAs are also responsible for following truancy reporting and notification requirements.

Q21: May an LEA unenroll a student with a disability who has been expelled due to disciplinary events prior to or during school closure due to a public health emergency?

A: No. LEAs, including public charter schools, may not unenroll a student with a disability from the LEA following expulsion. The LEA has a continuing responsibility to provide FAPE to the student with a disability during removal, including expulsion. A student with a disability may be removed to another setting, but must continue to receive educational services to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP (34 CFR §300.530(d)(1)(i)). During school closure due to circumstances related to a public health emergency, FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically (USED Supplemental Fact Sheet p. 1-2). Students expelled due to disciplinary events prior to or during school closure due to COVID-19 should continue to receive equitable access to educational opportunities from the LEA to ensure the delivery of FAPE.

IDEA Part B Compliance Monitoring

Q22: How should LEAs document IDEA procedural delays exceeding required regulatory timelines (including, but not limited to the 60-day evaluation timeline), and mutually agreeable extensions of time between the LEA and parent for completion of IDEA procedural requirements?

A: LEAs should issue a PWN stating the reason for the delay (i.e., unavailability of the student in-person due to health and safety restrictions); what creative and flexible solutions were considered but ultimately determined unavailable; and any mutually agreed to extension of time, if applicable. PWNs addressing procedural delays should be maintained in the student's SEDS file as a miscellaneous document, and designated with an appropriate naming convention to reflect the nature of the notification (for example, "PWN - delayed timeline" or "PWN-agreement to extend").

Q23: How will IDEA procedural delays exceeding required regulatory timelines be addressed through LEA monitoring?

A: Prior written notices completed in SEDS, as outlined in Q22 above, will be considered appropriate justification for procedural delays such as initial evaluation, reevaluation and C to B transition. LEAs will have the opportunity to upload documentation, including this PWN, into the District of Columbia Corrective Action Tracking System (DC CATS) as part of the correction window as part of the monitoring process. OSSE's monitoring team will consider submitted PWNs meeting the requirements identified in the question above as evidence of correction of findings of noncompliance.

Q24: How will LEAs documenting delays, including procedural delays related to a public health emergency, in DC CATS?

A: When an evaluation is untimely, LEAs will receive an email notification from the (DC CATS) indicating that a monitoring report has been released. Please see Q6 above for additional information on IDEA procedural timeline flexibilities including initial evaluation, reevaluation and C to B timeliness. Please also see Q22 for guidance on how to document the use of these flexibilities in SEDS. Once a monitoring report is released, LEAs are expected to verify reason for delay during the 30-day correction window. Please reference the Updated IDEA, Part B Monitoring Activities Schedule and LEA Documentation for procedures for documenting reasons for delay in DC CATS.

Q25: Will LEAs and OSSE be held accountable for correcting findings of noncompliance already identified prior to school closure?

A: Yes, all findings of noncompliance under IDEA issued prior to school closure (i.e., March 16, 2020 for COVID-19) should be corrected within the 365-day timeline as outlined in the OSEP Memo 09-02 Timely Correction Memo. This includes the completion of both the Prong 1 and Prong 2 process. In instances

where LEAs are unable to make corrections of noncompliance due to COVID 19 school closure, LEAs should document all efforts to achieve compliance in accordance with OSSE guidance. Any supporting documentation from SEDS may be appropriate evidence for correction of noncompliance (Prong 1) when uploaded in DC CATS.

Q26: How will IDEA monitoring activities be affected moving forward?
A: OSSE acknowledges the importance of ensuring students with disabilities receive equitable access to services and recognizes that LEAs require flexibility in monitoring to meet student needs during this health crisis. OSSE is employing flexibilities in its monitoring oversight activities. Please visit the OSSE website for the [Updated IDEA, Part B Monitoring Activities Schedule and LEA Documentation](#) for May 2020 through September 2020, including information on extension of LEAs' correction window from 10 days after the release of initial reports in District of Columbia Corrective Action Tracking System (DCCATS) to 30 days after the release of initial reports in DC CATS. Future monitoring schedule modifications, made as appropriate, will be communicated to LEAs via the OSSE website.

IDEA Part B Fiscal
Q27: What activities other than special education and related services may and may not be provided with IDEA Part B funds both prior to and during a COVID-19 outbreak?
A: IDEA Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities. For example, an LEA may use IDEA Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question 16 below) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use IDEA Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use IDEA Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.

Extended School Year Services
Q28: Can an LEA provide ESY services through remote or blended learning models during a public health emergency resulting in school closure?
A: ESY services for students with disabilities are prescribed to address a student's possible educational regression and the consequent time that would be required for a student to recoup lost educational skills ([OSSE ESY Services Policy](#)). ESY is provided during times when regular school instruction is not taking place (e.g., before or after school hours, winter and spring break, and summertime). The purpose of ESY is to provide FAPE and not to provide additional services or to maximize services beyond FAPE.

As with the delivery of other services prescribed in a student's IEP, ESY services may be provided through a remote learning model (USED acknowledges that FAPE may include, as appropriate, special education and related services provided through remote instruction provided virtually, online, or telephonically in the [USED Supplemental Fact Sheet p. 1-2](#)). LEAs should provide any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities ([Id](#). at p.2, and [OSEP Guidance A-1](#)). A student's LEA, either through convening an IEP team or agreeing to amend the IEP without a meeting, should determine whether such ESY service delivery satisfies the

requirements of FAPE, taking into consideration on an individualized basis the specific needs of a student. Please see the OSSE IEP Amendment Policy for additional information on requirements to revise the types or amounts of specialized instruction or related services using the documented written agreement modality (OSSE IEP Amendment Policy at p. 3).

If a school or LEA is closed due to a public health emergency and is offering any educational opportunity, including remote learning, the LEA must ensure that students with disabilities have equal access to such opportunities (OSEP Guidance A-1). IEP Team decisions regarding ESY eligibility should be made based on whether the benefits gained during the regular school year as well as during educational opportunities provided during the public health emergency closure would be significantly jeopardized if the student does not receive ESY services (OSSE ESY Services Policy).

For more information regarding ESY, please access and review OSSE's Extended School Year (ESY) Policy and ESY Frequently Asked Questions guidance.

Q29: What data is needed to determine student eligibility for ESY services?
A: LEAs are encouraged to utilize informal and formal data, as available, to determine ESY eligibility. IEP Team decisions regarding ESY eligibility should be made based on whether the benefits gained during the regular school year as well as during educational opportunities provided during school closure would be significantly jeopardized if the student does not receive ESY services (Guidance Related to COVID-19: ESY at p. 3).

Q30: How should LEAs amend IEPs if original ESY hours offered are modified due to school closure?
A: The designation of ESY services must be individualized to the unique needs of each student. LEAs may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of these services (OSSE ESY Services Policy at p. 2). This includes the IEP Team's determination of whether or not a child requires ESY during other breaks in service. LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in students IEPs (See OSEP Guidance A-1).

Q31: Are LEAs obligated to provide ESY services if parents decline to participate due to a remote or blended learning model?
A: If a parent declines to make their child available for ESY services, this should be documented in the student special education file in SEDS.

Q32: Can LEAs provide compensatory education through ESY?
A: Please see Q15 above for additional information. IEP Teams may add compensatory services into a student's regular ESY programming, as long as they do not interfere with it.

Additional General Questions (added December 15, 2020)
Q33: What are LEA obligations under IDEA related to student discipline during periods of distance or hybrid instruction?
A: Discipline requirements and LEA discipline policies remain in effect. Requirements by LEAs may change according to waiver plans but discipline protections under IDEA remain in effect.

Q34: Under IDEA, can students use LEA-provided technology and devices for purposes other than accessing educational services?
A: LEAs may establish policies for student use of LEA-provided technology and devices. For students who participate in Medicaid-reimbursable telehealth services, LEAs should consider revising LEA technology use policies to allow students to use LEA-provided technology or devices to access such telehealth services. LEAs should notify families that LEA-provided technology or devices may be used to access telehealth services for eligible students so long as such devices are used in compliance with security requirements and codes of conduct, and that LEA-provided devices remain available to enrolled students accessing distance learning.

Q35: Under IDEA, can LEAs conduct in-person activities during periods of distance or hybrid learning?
A: LEAs may establish policies for in-person activities, such as conducting evaluations or providing related services, while the LEA is otherwise operating in a distance or hybrid learning posture. LEAs may need to consult with District agencies, including the Department of Health (DOH) and Department of General Services (DGS), to ensure the appropriate and safe reopening of buildings, and individual LEA readiness. LEAs may need to limit or tailor reopening activities based on the specific needs of the LEA, staff, and student populations.

Child Find (added December 15, 2020)
Q36: What are LEAs' Child Find obligations during periods of distance or hybrid learning?
A: LEAs remain required to implement IDEA Child Find obligations to identify, locate, and evaluate students who may need special education and related services during periods of distance or hybrid learning due to the COVID-19 public health emergency. LEAs should establish robust Child Find processes that are considerate of and responsive to changes resulting from distance or hybrid learning environments, including considering how systems of gathering student data or monitoring student progress may need to change, how to conduct screenings (both formal and informal) in a virtual environment, and how staff will communicate with each other about student needs, concerns, and progress. As part of Child Find public awareness activities, LEAs should maintain good channels of communication with primary referral sources and ensure that parents and the school community can easily access information about how to request an initial evaluation. LEAs should consider how processes for submitting referrals may need to be adapted, including creating online forms and ensuring contact information is easily available. For additional information on Child Find and initial evaluation activities, please visit the OSSE website Child Find and Initial Evaluation Resources page, including information specific to Child Find efforts to locate, identify, and evaluate students ages 3-5.

Conducting Evaluations and Assessments (added December 15, 2020, Q39 Updated March 24, 2021)
Q37: Can LEAs rely on the analysis of existing data to make an eligibility determination for an initial evaluation or reevaluation?
Yes. The group of persons familiar with the child responsible for conducting the initial evaluation must conduct a review of existing data to determine if there is sufficiently comprehensive evaluation data to

make an eligibility decision. If sufficient data exists upon which to determine eligibility, OSSE encourages LEAs to move forward and complete the evaluation, while acknowledging that IEP teams may also need to consider what additional assessments or supports may be needed after school buildings reopen. LEAs are encouraged to consider a wide variety of existing data and information to assist in making this decision. If there is insufficient evaluation data, the group must determine what additional information and assessments are needed. The LEA and the parent may agree to extend the evaluation timeline until sufficient data can be collected or necessary in-person assessments could be administered.

Q38: How should assessments for initial evaluations or reevaluations be conducted during periods of distance or hybrid learning?
A: In determining how to administer assessments or evaluations during the public health emergency, LEAs must balance health and safety considerations with the educational needs of students. During this time, assessments may be administered virtually or in-person, if determined appropriate by the LEA and agreed upon with the parent.

Virtual Assessments
Evaluation activities that do not require in-person assessments or observations should continue while buildings are closed, provided that the parent consents and makes the child available. If assessments or evaluation activities may be administered virtually or remotely, such activities should continue in a timely manner. Consistent with IDEA, LEAs must ensure the assessments or measures used to complete an evaluation are reliable and valid, administered by trained and knowledgeable personnel, and administered in accordance with any instructions, including standardization protocols, provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)). LEAs and IEP teams must take into consideration the potential effect of virtual administration on the reliability and validity of assessments. In determining the appropriateness of a virtual or remote assessment, the LEA should also consider what technology and environmental conditions are necessary to ensure the validity of the assessment.

In-person Assessments
If an in-person assessment is necessary, the LEA and parent may agree to conduct the assessment in-person, if appropriate and consistent with District health and safety guidelines and LEA requirements. In determining the appropriateness of an in-person assessment, the LEA must consider the health and safety of staff, parents, and the student, as well as the required conditions for assessment administration. Otherwise, if an evaluation of a student with a suspected disability requires a face-to-face assessment or observation but neither the LEA nor the parent agrees to in-person assessments, the evaluation may need to be delayed until school reopens.

Q39: Are student observations required to complete an initial evaluation or reevaluation?
Although student observations may be a useful source of data to assist in making an eligibility determination, they are not required for most initial evaluations or reevaluations. However, for students being considered for a specific learning disability (SLD), a classroom observation is required as part of the initial evaluation process (The LEA must "ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty" (34 C.F.R. §300.310)). If the group conducting the evaluation determines that student observations are necessary to ensure a comprehensive evaluation of the student for a disability category other than specific learning disability, the group should consider the appropriateness of the learning environment in which the student is to be observed and the ability to document the child's academic performance and behavior in areas of difficulty. If the student (whether

considered for SLD or otherwise) can be validly and reliably observed via online or virtual observation during periods of remote instruction, the group may determine such means are sufficient to inform the evaluation. However, if classroom-based observations are necessary to gather sufficient student information and data, the initial evaluation may need to be delayed until school reopens.

Q40: What role can informal assessments or clinical judgment play in determining eligibility under IDEA?
Evaluation procedures must "use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent […]" (34 CFR 300.304(b)). Under OSSE's IDEA Part B Initial Evaluation/ Reevaluation Policy, assessment tools and strategies may include, but are not limited to, observations, interviews, and other techniques and procedures as deemed appropriate by the professionals conducting the evaluation (OSSE IDEA Part B Initial Evaluation/ Reevaluation Policy, p. 4). In consideration of the difficulties associated with conducting formal assessments and obtaining standardized evaluation data during the public health emergency, LEAs and IEP teams are reminded of the flexibilities available to complete evaluation procedures and are encouraged to rely on the clinical judgment of evaluators, knowledge of teachers, and input of parents in determining eligibility.

Q41: Can eligibility meetings be held virtually?
Yes. LEAs are encouraged to consider the appropriateness and feasibility of virtual meetings to ensure the timeliness of initial evaluations. Eligibility meetings may be conducted virtually, as appropriate, including using other methods to ensure parent participation, including individual or conference telephone calls, and video calls. If a parent cannot or repeatedly refuses to participate in virtual meetings, the LEA is encouraged to document in the student's Communication Log in SEDS efforts to schedule meetings and parental refusal or inability to participate. Such documentation may later be used as evidence of noncompliance with timelines due to parental delay. If a virtual meeting is not possible, the LEA should convene the needed eligibility meeting as soon as possible after school reopens.

Documenting Service Provision (Added December 15, 2020)
Q42: How should service providers document the provision of related services in SEDS during periods of distance or hybrid instruction?
A: LEAs and service providers are required to document the provision of related services in the same manner as if instruction was occurring in-person. Service providers and IEP teams should regularly review service trackers to ensure students are receiving related services in accordance with their IEPs. In accordance with OSSE's Related Services Policy, the LEA must always consider the impact of missed services on the student's progress to ensure the continued provision of FAPE. The following are a few common scenarios related to service provision during distance or hybrid learning:
- Student does not attend scheduled related services session: If a student does not attend a scheduled related services session, the service provider should document the service as attempted but the student was unavailable.
- Student attends a portion of a virtual related services session: If a student fails to attend a portion of a virtual related services session, service providers should document the portion of the services provided. For example, if a student attends 30 minutes of a 60-minute session, the service provider should document 30 minutes of delivered services and 30 minutes of attempted services but the student was unavailable.

- Parent requests to "pause" or "stop" related services for a period of time: These services should be documented in the student's SEDS record as services attempted but the student was unavailable due to parent request to resume services on a date or event. The LEA is encouraged to continue documenting attempted service provision for later consideration of makeup services and the impact on FAPE if the student continues to miss services. The LEA should ensure appropriate documentation of this request through prior written notice (PWN).

Nonpublic Schools

Policy Guidance

Provision of Free Appropriate Public Education (FAPE)
Obligations related to the provision of FAPE under Part B of the Individuals with Disabilities Education Act (IDEA) are outlined in guidance above. The guidance provided herein applies to all students with disabilities enrolled in District of Columbia LEAs, including students attending nonpublic schools and funded by the District of Columbia. OSSE expects nonpublic schools will collaborate with LEAs to ensure equal access to educational opportunities, as appropriate. For questions on the provision of FAPE, please contact OSSE.DSEpolicy@dc.gov.

Notifications to OSSE and LEAs
Nonpublic schools that experience any changes in operating status or issues updated policies or procedures as a result of a public health emergency, must notify OSSE's nonpublic monitoring team of school closures and/or changes to school policies by contacting OSSE.COA@dc.gov. Nonpublic schools must also notify the LEAs for all students placed at the non-public school of this closure.

Nonpublic Schools & LEA Collaboration
Students with disabilities continue to have the right to a FAPE and LEAs remain required to ensure the delivery of FAPE to students enrolled in their LEA and attending nonpublic schools. To ensure the delivery of FAPE to these students, nonpublic schools should collaborate with LEAs to document continuous learning plans that align with LEA plans and to ensure compliance with the OSSE Certificate of Approval (COA) regulations and for OSSEs continued payment of services to nonpublic schools.

Nonpublic Monitoring & Incident Reporting
OSSE will continue to conduct nonpublic school onsite and desktop monitoring activities during the 2020-21 school year, with some modifications described below. LEAs remain responsible for continuing to monitor student-level academic and social-emotional-behavioral progress.

Onsite Monitoring
OSSE will conduct a combination of desktop document and record review, virtual monitoring (e.g., staff interviews via phone or video-conferencing), and onsite visits later this year where possible in light of health and safety concerns. All associated onsite monitoring report release dates and associated correction of non-compliance timelines will be adjusted accordingly. Revised schedules will be made available by OSSE by Aug. 14, 2020.

LEA Nonpublic Student Desktop Monitoring
For LEAs already monitored in local education agency Clusters 1 and 2 for the 2019-20 school year (i.e., see SY19-20 Nonpublic LEA Desktop Monitoring Calendar), correction of noncompliance must occur within the required 365-day period, in accordance with OSSE monitoring policy and standards for corrective action established by the US Department of Education, Office of Special Education Programs. For LEAs in LEA Cluster 3 not yet monitored for the 2019-20 school year, IDEA Part B LEA nonpublic student desktop monitoring has now been rescheduled for October 2020.

Incident Reporting
Incident reports from nonpublic schools will continue to be monitored according to standard practice. If it becomes necessary to modify the release schedule for OSSE incident report findings, then OSSE will provide advance notice to impacted nonpublic schools.

Placement Procedures for Placement Review & Location Assignment
OSSE will continue to implement its [Policies and Procedures for Placement Review](#), with the following modifications:
- ***Change in Placement (CIP) Meetings:*** CIP meetings will be conducted through a virtual platform (e.g., Skype, Microsoft Teams) or via conference call. OSSE will coordinate with the LEA and families to determine the best modality for the meeting.
  Additionally, OSSE will accept parental consent typically captured when a decision is made to place a student at more restrictive nonpublic school placement in one of the following ways:
    - Scanned/or emailed signed copy of OSSE's [Location Assignment Process Consent Form](#).
    - Email notification from the parent of elements contained in OSSE's Location Assignment Process Consent Form.
    - Verbal consent provided via phone from the parent, of elements contained in OSSE's Location Assignment Process Consent Form.
- ***Location Assignment Process***: In accordance *with* OSSE's standard practice of working with the LEA and IEP teams and ensuring parental participation in the identification of nonpublic schools (that hold an OSSE issued certificate of approval (COA)) for referral will continue with the following modifications:
    - Due to nonpublic school closures, location assignment timelines (typically 10 business days) may be extended. If this occurs, OSSE will inform the LEA and student's parent(s).
    - Nonpublic school admissions may continue to be conducted virtually, including school visits by parents and student interviews. OSSE will inform parents of any changes to admissions practices.
    - For students who receive a location assignment to a nonpublic school, the LEA and nonpublic school should coordinate on an agreeable start date, in consultation with the parent(s), and notify OSSE via email.
- ***Change in Location:*** OSSE will continue to implement its change in location process in accordance with standard practice. This applies to students who may require a change of nonpublic school location (e.g., lateral, more restrictive, or less restrictive school location changes). Please see the "Location Assignment Process" section above regarding potential delays.

Safety & Wellbeing
Nonpublic schools and DC LEAs should align their school re-opening and safety plans with OSSE Guidance found [here](#). The information in the guidance is divided into two categories: preventing the spread of the virus and response to exposure of students and staff. The prevention information addresses the actions that schools either must take or should consider taking to protect students and staff to slow the spread of COVID-19. The response information addresses the actions that schools must take when a student or staff member becomes sick with or exposed to COVID-19.

Data Reporting, Attendance & Closure Coding

SEDS (Special Education Data System)

In the 2020-21 school year, nonpublic schools are expected to continue to create service delivery evidence by inputting service log entries and to create the service tracker documents in SEDS. The service log should include a comment that the service was provided through distance learning audio and/or visual technology. If a student is marked absent because the student was not available for services, "Student Unavailable" should be selected as the service type in SEDS. Note that LEAs remain responsible for oversight of all data reporting in SEDS by nonpublic schools. If nonpublic related service providers experience difficulty accessing SEDS, the nonpublic SEDS POC should contact their respective LEA Special Education POC to submit an OSSE Support Tool ticket. Information on SEDS access can be found [here](#) and [here](#).

SEATS (Special Education Attendance Tracking System)

All nonpublic schools should utilize the OSSE SEATS attendance system to record student attendance. If your school is not currently using SEATS, please contact Jackie Corsey at Jacqueline.corsey@dc.gov to obtain access.

Nonpublic schools should utilize the COVID-19 attendance codes for COVID-19-related attendance issues throughout the pandemic period. The existing SEATS codes should be utilized for non-COVID-19- related issues. Note that if students are marked absent because the student was not available for services, nonpublic schools should note this in comment fields in both SEATS and SEDS. Additionally, the LEA should be notified when multiple student absences occur. The COVID-19 attendance codes are listed in Appendix I.

SQUIRE (Staff Qualifications Information Repository)

Nonpublic schools are expected to review school staff and related service provider information in the OSSE SQUIRE system to ensure all information is up to date. All staff information, license, and credentials are required to remain up to date on an ongoing basis. When staff are no longer employed, please do not delete their information but ensure their information is up to date and enter the employment end date. You are never to "delete" staff records in SQUIRE. If you have questions regarding access to or SQUIRE functionality, please contact Jackie Corsey at, Jacqueline.Corsey@dc.gov.

Transportation & Travel Services

Daily Transportation Services to Nonpublic Day Schools

For information on the provision of OSSE Department of Transportation services during the COVID-19 period, please see guidance issued by OSSE's Department of Transportation [here](#). For questions regarding OSSE transportation, please contact OSSE.DOT@dc.gov.

Travel to Residential Schools

For residential schools that are still receiving new students, OSSE is deferring to the parent, guardian, or custodian, in collaboration with the LEA, on whether they are comfortable with transporting the student at this time. A parent, guardian, or custodian who chooses to transport a student does so at his/her own risk and risk to the student. Should the student be transported, then OSSE standard travel guidelines are applicable. If a delay in travel occurs, all parties including OSSE should be informed as soon as possible to assess the continued availability of the admission once safe travel can be arranged.

Tuition Payment & Related Services

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.

Nonpublic Schools & LEAs are required to complete the following activities for the 2020-21 school year:

1. *Request for Payment*
   To receive payments for the 2020-21 school year, DC LEAs must submit an updated request for tuition reimbursement for each nonpublic special education school serving that LEA's students (pursuant to Chapter 28 of Title 5-A of the District of Columbia Municipal Regulations (5-A 28 DCMR § 2821.15). LEAs should complete the Request to Continue Nonpublic School Payment attached tuition payment request template. Completed LEA forms should be uploaded to OSSE's [Nonpublic Invoice Box File Transfer Protocol (FTP) for Online Invoice Submission](#)**.**

2. ***Continuous Learning Plans**.* For continued payment in the 2020-21 school year, nonpublic schools must submit an updated learning plan to OSSE. The plan should be developed in collaboration with each DC LEA that has a student attending the nonpublic school, and should align with the District of Columbia's *SY 2020-21 LEA Continuous Learning & School Recovery Plan*. Additional information regarding LEA plans can be found [here](#). Please submit your plan to OSSE at [OSSE.COA@dc.gov](#) and all respective LEAs.

3. ***Questionnaire.*** Nonpublic schools will also be required to complete a brief questionnaire for the 2020-21 school year on their learning plans and collaboration with LEAs. The questionnaire can be accessed and submitted [here](#).

4. ***OSSE Consent for Telehealth Services Form**.* For OSSE Medicaid purposes, all nonpublic schools/practitioners must obtain written consent from parents/students to receive services remotely. Consent should be obtained as part of the admission process and upon the establishment of the student's official start date, learning schedule, and technology set-up. A copy of the form can be found [here](#). Consent must be obtained, documented, and uploaded to the student's file in SEDS.

5. ***Student Attendance.*** The student attendance recording in the OSSE SEATS system and nonpublic school invoice billing will begin on the agreed-upon date as determined by the nonpublic school, LEA, and parents.

Nonpublic Invoice Box File Transfer Protocol (FTP) for Online Invoice Submission

OSSE now has a secure method that nonpublic schools can utilize to submit invoices through an electronic portal. Invoice submission to the FTP is currently available.
- The online Box protocol will remain in use going forward for all invoice submissions.
- Nonpublic schools should submit invoices through the online portal throughout the distance learning period.
- After the distance learning period, nonpublic schools can submit invoices via the Box FTP, the US Postal Service, or courier service.

OSSE Consent for Telehealth Services

As noted earlier, for OSSE Medicaid purposes, all nonpublic schools/practitioners must obtain written consent from parents/students to receive services remotely. Consent must be obtained, documented, and uploaded to the student's file in SEDS.

Written consent can be obtained in any of the following manners:
- *Email.* The practitioner must upload the email to the students file in SEDS.
- *Text message.* The practitioner must upload the text to the students file in SEDS.
- *OSSE Medicaid Consent Form*. The practitioner must upload the signed consent form into the students file in SEDS.
- *Verbal conversation***.** Written memorialization of the conversation with names, date, and time should be captured. The practitioner must complete the form on behalf of the parent/student, note why written consent could not be obtained, then upload the form to the student's file in SEDS.

Consent should be obtained by the service practitioner(s). Consent can be obtained and documented on one form for all services. Alternatively, separate forms can be completed for each service and practitioner. Regardless, consent must be documented under one of the four options listed above. **A parent/student can change consent at any time. Any changes that occur must be documented by completing a new consent form.**

To upload a consent in SEDS, please take the following steps:
- Create a Miscellaneous Cover sheet; and
- Select - Upload External Document

Frequently Asked Questions

Nonpublic Schools: Service Delivery & Learning Plans

Q1: Is a nonpublic school limited to providing instruction in a remote or virtual learning environment?
A: No. It is OSSE's expectation, however, that LEAs and nonpublic schools 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 health and safety of students, families, and school staff.

Q2: What are the criteria for learning plans? Is there a template?
A: At this time, the only criteria of nonpublic schools' submission of learning plans is to work jointly with respective DC LEAs to develop remote learning plan(s).

Q3: How should related service trackers be submitted in SEDS if I don't have access to a fax machine?
A: All related service providers should have SEDS access to be assigned a student and to track delivery of service. Each provider's secure log-in credentials is considered their signature; therefore, there is no need to print, sign, or fax the form back into SEDS.

Q4: How is OSSE considering graduation for students during this time period?
A: Please refer to OSSE's Instructional Time: Graduation Requirement Guidance regarding graduation requirements and waivers, available here.

Q5: How should nonpublic schools address extended school year (ESY) during this time period?
A: Please refer to OSSE's ESY Memo regarding ESY requirements, which is forthcoming and will be available on OSSE's website.

Nonpublic Payments
Q6: If an LEA has already submitted a nonpublic payment form for previous periods, will the LEA have to submit a new nonpublic payment form?
A: Yes. Further, LEAs must submit a learning plan and questionnaire as described above, and comport with the reporting requirements.

Q7: Will OSSE remit payment for days a nonpublic school was closed for spring break or teacher-only designated days that took place during the COVID-19 period?
A: No. In accordance with existing OSSE payment rules, days designated as vacation or days designated as teacher-only attendance are not eligible for payment.

Q8: Will OSSE remit payment for make-up days?
A: If a nonpublic school was paid for days the school was fully closed and no remote learning took place, then OSSE will not remit payment for any make-up of those days.

Q9: Are nonpublic school invoices required to be submitted through the US Postal Service or courier services?
A: OSSE now has a secure method that nonpublic schools can utilize to submit invoices through an electronic portal - **OSSE Box File Transfer Protocol (FTP) for Online Invoice Submission Link**. See additional information above on Box File Transfer.

Q10: Where can nonpublic schools obtain information regarding telehealth services, standards, and licensing?
A: Telehealth Information*:* Nonpublic schools and related service providers should reference the following documents for detailed information about the requirements for telehealth related service delivery:
- Mayor's Order 2020-063
- March 13, 2020 - Administrative Order Waiving Licensure Requirements for Certain Practitioners;
- March 12, 2020 - Guidance on the Use of Telehealth; and
- The DC Department of Healthcare Finance (DHCF) remote-related services and licensing standards.

Q11: Must nonpublic schools obtain consent for telehealth services for each student?
A: OSSE Consent for Telehealth Services here. For OSSE Medicaid purposes, all nonpublic schools/practitioners must obtain written consent from parents/students to receive services remotely. Consent must be obtained, documented, and uploaded to the student's file in the OSSE SEDS database. Please see above for additional information on allowable methods for receipt of written consent. Written consent can be obtained in any of the following manners:

Consent should be obtained by the service provider(s). Consent can be obtained and documented on one form for all services. Alternatively, separate forms can be completed for each service and

practitioner. Regardless, consent must be documented under one of the four options listed above. A parent/student can change consent at any time. Any changes that occur must be documented.

Consent forms should be uploaded into OSSE SEDS by completing the following steps:
- Create a Miscellaneous Cover sheet; and
- Select - Upload External Document

Q12: What are the options if a nonpublic school cannot obtain consent for telehealth services?
A: Multiple attempts should be made to obtain consent. If consent cannot be obtained, the service provider must include the following notes in SEDS:
- The number of attempts to obtain consent; and
- Reason(s) why consent could not be obtained.

Q13: If a nonpublic school has already obtained consent for telehealth services will consent have to be obtained again?
A: No. Upload into the student's file in SEDS the consent form/documentation that you possess. Previous consent through the school's own internal form will suffice.

Q14: How should a nonpublic school document the SEDS service log entries during the remote learning period?
A: To reimburse for provided related services, nonpublic schools continue to be expected to create service delivery evidence by inputting service log entries and to create the service tracker documents in the OSSE SEDS. Service logs should include, at minimum:
- Activity notes; and
- Comments that the service(s) was provided through remote learning via audio and/or visual technology.

Q15: Is there any guidance on how nonpublic schools should handle missed related service sessions?
A: Yes. Please see the OSSE Related Services Policy for additional information on procedures regarding missed related services. The nonpublic school should also provide written notice to the LEA regarding student missed service sessions in accordance with existing policy.

Q16: How should a nonpublic school handle failed attempts to reengage a student or to reschedule missed service sessions?
A: Please see the scenarios below.
1. If the provider is able to speak with a parent/student and the parent/student refuses to receive related services for one scheduled session during the remote learning period:
   - "Student Unavailable" or "Student Absent" should be selected, as applicable, as the service type on the SEDS service log entry.
2. If the parent/student refuses to receive related services for all related services during the remote learning period:
   - "Student Unavailable" or "Student Absent" should be selected, as applicable, as the service type on the SEDS service log entry for that specific session.
   - The provider should obtain another "Consent" for telehealth services to document the denial per the guidelines listed above regarding consent (Q11).

Q17: Must all nonpublic schools use the OSSE SEATS system to record student attendance?
A: Yes. All nonpublic schools should utilize the OSSE SEATS attendance system to record student attendance. If your school is not currently using SEATS, please contact Jackie Corsey at Jacqueline.corsey@dc.gov to obtain access.

Q18: What codes should be utilized to record attendance in SEATS?

Attendance Scenario	Proper SEATS Code
March 1 through March 13, 2020 (Before COVID-19)	The non-COVID-19 SEATS codes (existing codes)
March 16 throughout the COVID-19 period	The new COVID-19 codes in Appendix I.
Student full-day absences during the COVID-19 period	"EA" The new COVID-19 absence code
Spring break or teacher-only days	"U" The non-COVID-19 SEATS code for school closures (existing code)

Q19: How can a nonpublic school change the attendance codes for specific students when, upon first entry, a COVID-19 attendance code auto-populates that code for all students on the same date?
A: The "EA" code does not auto-populate. The "PE and HE" codes will auto-populate all student entries for that date. The "PE" code, when used, will be applicable for all students and auto-populates correctly.

The "HE" code may not be applicable to all students. To change "HE" to "EA" for specific students:
- Go back and override the "HE" code to change it to "EA" for those students-- only as applicable.

Q20: How should a nonpublic school admit a newly placed student during this COVID-19 period?
A: For students who receive a location assignment to a nonpublic school during the COVID-19 closure period, the LEA and nonpublic school should coordinate on an agreeable start date, in consultation with the parent(s) and:
- Notify OSSE of the start date via email.
- The student attendance recording in the OSSE SEATS system and nonpublic school invoice billing will begin on the agreed-upon date as determined by the nonpublic school, LEA, and parents.
- The new OSSE consent for telehealth services form should be shared and consent should be obtained as part of the admission process and upon the establishment of the student's official start date, learning schedule, and technology set-up.

Q21: Can a nonpublic school invoice charges to OSSE for dedicated aide services during the remote learning period?
A: Yes. In its guidance to nonpublic schools, OSSE has advised it will remit payment for tuition and related services. Payment for dedicated aide services is included in the tuition category and will also be remitted.

Q22: Will OSSE remit payment for dedicated aides that are otherwise utilized by nonpublic schools?
A: OSSE will remit payment for dedicated aides who are utilized in any manner that serves the assigned student. OSSE will review specific scenarios on a case by case basis. An example of the use of a dedicated aide that would not be reimbursed is where the aide performs general administrative functions unrelated to serving the assigned child. Nonpublic schools can contact Yvonne Smith, manager of the Nonpublic Payment Unit, to inquire prior to invoicing at, YvonneS.Smith@dc.gov.

Questions?

Please contact the Division of Systems and Supports, K-12 nonpublic monitoring team at OSSE.COA@dc.gov with questions.

Appendix I. Nonpublic School Guidance on OSSE Special Education Attendance Tracking System (SEATS)

Use the following value to record in SEATS the dates the nonpublic school building is fully closed and distance learning was not available due to the related public health emergency.

Code	Description	State Code Equivalent
PE	Public Emergency School Fully Closed	PE

Use the following value to record student attendance in SEATS on dates when: the nonpublic school building is closed due to the public health emergency, distance learning is available, and the student received services.

Code	Description	State Code Equivalent
HE	Health Emergency Distance Learning	HE

Use the following value to record student absences in SEATS on any dates when: the nonpublic school building is closed, distance learning is available, but the student did not attend due to any reason during the related public health emergency.

Code	Description	State Code Equivalent
EA	Emergency Absence during public health emergency	EA

Use the existing, already established, SEATS codes for recording student attendance on days when the nonpublic school building is open and in-person educational services are provided.