



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Guidance Related to Coronavirus (COVID-19): Nonpublic Schools: Part II

April 14, 2020

Background

As a part of the District's response to coronavirus (COVID-19), the Office of the State Superintendent of Education (OSSE) is offering this guidance document to accompany previously issued guidance from OSSE to support District of Columbia local education agencies (LEAs) and nonpublic special education schools serving students funded by the District of Columbia. Nonpublic schools are privately owned and operated, providing special education services to students with disabilities.

Scope

This document contains guidance for LEAs and nonpublic schools in the following areas: tuition payment beyond 30 days of closure, payment for related services, and LEA/nonpublic collaboration. For part I of the nonpublic schools guidance and guidance regarding IDEA Part B compliance and the provision of IDEA Part B services, please refer to guidance issued [here](#).

This guidance document extends the period during which OSSE will make payments to nonpublic schools for tuition and related services.

Date Issued

This guidance will take effect on April 15, 2020, and will remain in effect until further notice.

Policy Guidance

Extended Tuition Payment & Payment for Related Services

As indicated in OSSE's initial guidance for nonpublic schools, pursuant to Chapter 28 of Title 5-A of the District of Columbia Municipal Regulations (5-A DCMR § 2821.15), and upon written requests by LEAs, OSSE has continued nonpublic tuition and related services payment for the first 30 calendar days following the LEA closure.

With the issuance of this updated guidance, and pursuant to the authority granted in the City Administrator's Order 20-4, **OSSE is now able to extend payments for tuition and any related services provided beyond the initial 30-day period. Payments may continue through the end of the nonpublic school's regular school year, or through the date the LEA typically ends the school year, whichever is earlier.** Note however that these payments will not continue automatically; to request that payments continue, LEAs must complete all steps identified in the "*Requirements for Extended Payment*" section below.

Requirements for Extended Payment

Requesting Reimbursement

To receive payments beyond the initial 30-day period, 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 DCMR §

2821.15). LEAs should complete the [Request to Continue Nonpublic School Payment](#) attached tuition payment request template and upload it to the Nonpublic Monitoring subfolder within the LEA's main folder on the OSSE Box file transfer protocol (FTP) data website found [here](#).

LEA and Nonpublic Collaboration

During closures related to coronavirus (COVID-19), students with disabilities continue to have the right to a Free and Appropriate Public Education (FAPE) and FAPE remains an LEA obligation. This includes all students placed by public agencies/LEAs in nonpublic special education schools, which require collaboration between LEAs and nonpublic schools during school closures. This collaboration must be documented for continued payment to nonpublic schools. LEAs and nonpublic schools are required to complete the following activities to continue payments:

1. *Learning Plans*. If a nonpublic school will provide distance learning after April 15, 2020, the nonpublic school must submit an updated learning plan to OSSE. If there are no changes to plans previously submitted to OSSE, please notify OSSE of the intention to extend the period for the plan on file. This plan should be developed in collaboration with each DC LEA that has a student attending the nonpublic school and should describe how distance learning will be provided to students in alignment with each relevant LEA's distance learning. Please submit your plan to OSSE at OSSE.COA@dc.gov, as well as to all relevant LEAs.
2. *Questionnaire*. Nonpublic schools will also be required to complete a brief questionnaire on learning plans and collaboration with LEAs. The questionnaire can be accessed and submitted [here](#).

Reporting, Attendance & Closure Coding

SEDS: To reimburse for related services that are provided, nonpublic schools continue to be expected to create service delivery evidence by inputting service tracker logs into the OSSE Special Education Database System (SEDS). The service tracker 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 family did not make the student available for services, "Student Unavailable" should be selected as the service type in SEDS. Note that LEAs are still responsible for oversight of all nonpublic data reporting in SEDS.

SEATS: OSSE has also created new codes for attendance reporting in SEATS, which became available beginning on Wednesday, April 8, 2020. Nonpublic schools should use these new codes and may update prior attendance records as appropriate. Please see the appendix for additional details. Note that if students are marked absent because the family did not make the student available for services, nonpublic schools should note this in comment fields in both SEATS and SEDS.

Nonpublic Monitoring & Incident Reporting

OSSE will continue to conduct nonpublic school onsite and desktop monitoring activities, with some modifications. LEAs remain responsible for monitoring student-level progress.

Onsite monitoring. For nonpublic schools scheduled for onsite monitoring during spring 2020, 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. All associated onsite monitoring report release dates will be adjusted accordingly.

Desktop monitoring. For LEAs already monitored this season, correction of noncompliance must occur within the required 365-day period, per the U.S. Department of Education’s Office of Special Education programs. If an LEA previously received notification from OSSE that IDEA Part B LEA nonpublic student desktop monitoring would begin on or after April 6, 2020, it is now rescheduled for October 2020.

Incident Reporting. For nonpublic schools that continue to operate in-person during the COVID-19 pandemic, incident reports will continue to be monitored as normal. If it becomes necessary to modify the release schedule for OSSE incident report findings, then OSSE will provide advance notice to impacted nonpublic schools.

OSSE’s Placement and Procedures for Placement Review & Location Assignment

OSSE will continue to implement its [Policies and Procedures for Placement Review](#) as normal at this time, 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, during the closure period, 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 E-mailed signed copy of OSSE’s [Location Assignment Process Consent Form](#).
- Email notification from the parent, or LEA on behalf of the parent, of elements contained in OSSE's Location Assignment Process Consent Form.
- Verbal consent provided via phone from the parent, or LEA on behalf of the parent, of elements contained in OSSE’s Location Assignment Process Consent Form.

Location Assignment Process. OSSE’s standard process of working with 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).
- For students who receive a location assignment to a nonpublic school during the closure, 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 as normal at this time. This applies to students who may require a change of nonpublic school location (e.g., lateral, more restrictive, or less restrictive school location changes). OSSE is offering flexibility for already scheduled meetings as some LEAs and some parents prefer to not meet during the closure, while others prefer to hold meetings. Please see the “Location Assignment Process” section above regarding potential delays.

Travel to Residential School. 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 their student at this time. Should the student be transported, then OSSE standard travel guidelines will be applied. If a delay in travel occurs, all parties including OSSE should be informed as soon as possible to assess the continued availability of a bed once safe travel can be arranged.

FREQUENTLY ASKED QUESTIONS

Q1: Is a nonpublic school limited to providing instruction in a distance 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 the 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 distance 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.

Q6: If an LEA has already submitted a nonpublic payment form for the first 30-day period March 16 through April 14, 2020, 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.

Questions?

If you have questions relating to this guidance contact the Division of Systems and Supports, K-12 nonpublic monitoring team at OSSE.COA@dc.gov.

For resources and additional information on the District of Columbia Government's response to coronavirus (COVID-19), please visit coronavirus.dc.gov.

Appendix I. Guidance for Nonpublic School Closures and Individual Absences related to COVID-19

Use the following value to record in SEATS the dates the nonpublic school 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 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 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 the public health emergency	EA