Guidance Related to Coronavirus (COVID-19)
Nonpublic Schools: Part III
School Year 2020-21

July 1, 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 nonpublic schools and LEAs in the following areas: funding for educational services and nonpublic/LEA collaboration for the 2020-21 school year. This guidance is not intended to address summer programming or extended school year services as part of the 2019-20 school year. For guidance regarding IDEA Part B compliance and the provision of IDEA Part B services, please refer to guidance issued here.

Date Issued
This guidance will take effect on July 1, 2020, and will remain in effect until further notice.

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 from OSSE available here. OSSE's guidance aligns with guidance issued by the US Department of Education, Office of Special Education Programs (OSEP). 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.

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. In order 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 SY19-20 (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 U.S. 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 Database 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 Ms. Jackie Corsey at Jacqueline.corsey@dc.gov to obtain access.

Nonpublic schools should utilize the COVID-19 attendance codes for COVID related attendance issues throughout the pandemic period. The existing SEATS codes should be utilized for non-COVID 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 coronavirus (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

Compensatory Education

Information regarding the need for compensatory education can be found in the Guidance Related to Coronavirus (COVID-19): IDEA Part B Provision of FAPE Frequently Asked Questions, here.

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.

Appendix I. Guidance for Nonpublic School

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.