DISTRICT OF COLUMBIA SCHOOL IMMUNIZATION POLICY

Immunization Requirements and Students with Disabilities and Students Receiving OSSE Transportation Services

Students with disabilities **<u>are not exempted from immunization requirements</u>**. A school may not permit a non-compliant student with a disability in grade pre-K 3, kindergarten, 7 or 11 to attend school after the exclusion date has passed.

If a student with an Individualized Education Program (IEP) or a student with a 504 Plan is temporarily excluded from school based on exposure or the threat of exposure to a communicable disease, and the student has a medical or religious exemption on file, the school shall ensure that the student continues to receive a free appropriate public education (FAPE) consistent with guidance from the US Department of Education Office for Civil Rights.[1] The Office of the State Superintendent of Education (OSSE) provides guidance and technical assistance to schools regarding the provision of FAPE to students with disabilities.

Take these steps for non-compliant students with disabilities in grades pre-K 3, kindergarten, 7 and 11:

1. If the student has an IEP, prior to temporarily excluding the student from school, confirm with the LEA Representative Designee/Special Education Coordinator whether that student is receiving transportation services. If the student has a 504 Plan, confirm this information with the 504 Coordinator.

2. If the student is receiving transportation services and will be temporarily excluded due to immunization noncompliance, notify the parent, guardian, or adult student that transportation services will be paused as part of the final notification of temporary exclusion.

3. Concurrently with sending the final notification of temporary exclusion to the parent, guardian, or adult student, work with the local education agency (LEA) Representative Designee/Special Education Coordinator or 504 Coordinator to cancel the student's transportation services.

    - This should occur as early as possible on the same day that the final notification of temporary exclusion will be sent to the parent, guardian, or adult student.

    - LEAs are required to send an email to DOT.ParentCallCenter@dc.gov using the subject "School Immunization Policy – Suspension of Transportation" with the following information:

        1. Student Name
        2. Uniform Student Identifier (USI)
        3. Effective Date of Transportation Suspension
        4. Student Home Address
        5. LEA/School Name
        6. School Address
        7. Parent/Guardian Name
        8. Parent/Guardian Contact Info

    - This email will alert the OSSE Division of Student Transportation (OSSE-DOT) to no longer transport the student.

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4. If a student who has been temporarily excluded from school arrives at school via a school bus or any other means of transportation, then the school should call the parent or guardian to facilitate the student's remaining in the front office or designated area until the student is picked up by the parent or guardian.

5. Once the student has been determined to be in compliance with immunization certification requirements, alert the LEA Representative Designee/Special Education Coordinator or the 504 Coordinator to submit a new email to DOT.ParentCallCenter@dc.gov using the subject "School Immunization Policy – Resume Transportation" with the following information:

    1. Student Name
    2. USI
    3. Effective Date to Resume Transportation
    4. Student Home Address
    5. LEA/School Name
    6. School Address
    7. Parent/Guardian Name
    8. Parent/Guardian Contact Info

    - This email shall be received by OSSE as soon as possible after the school receives the immunization certification to ensure that the student is able to receive timely service.
    - OSSE-DOT will contact the parent/guardian prior to resuming transportation services.
    - Resuming transportation services for the student may take up to 24 hours. For any service delays, the parent, guardian, or adult student shall provide transportation for the student. They may request reimbursement (osse.dc.gov/service/parents-transportation-students-disabilities) from OSSE-DOT for the transportation provided for those days.

Frequently Asked Questions

1. Is an LEA required to provide special education and related services to students with disabilities who cannot attend school due to non-compliance with immunization requirements?

Whether the LEA is obligated to provide a free appropriate public education (FAPE), including the provision of special education and related services, depends on the circumstances.

- If a student with a disability does not have a medical or religious exemption or HPV opt-out and is non-compliant with immunization requirements, the LEA is not obligated to ensure the provision of FAPE to the student. Consistent with OSSE's Immunization Attendance Policy, the LEA should use the "unexcused absence – immunization" attendance code for non-compliant students in grades pre-K 3, kindergarten, 7 and 11 who are temporarily excluded from school and are not receiving educational services. In the Special Education Data System (SEDS), the LEA should document scheduled related services as "student absent" in service logs.
- If a student is awaiting approval of a religious exemption and the school provides educational services to general education students awaiting approval of religious exemptions, then the LEA must ensure the student with a disability is provided access to the same educational opportunities afforded to other students. Consistent with US Department of Education Office of Civil Rights guidance, the LEA must ensure that students with disabilities continue to receive FAPE.

2. Is an LEA required to provide compensatory services to a student with a disability who returns after a period of non-attendance due to non-compliance with immunization requirements?

Consistent with OSSE's Related Services Policy, when a student with a disability misses services, the LEA must convene an IEP team meeting to consider the impact of the missed service on the student's progress and performance and ensure the continued provision of FAPE. If the LEA was required to provide FAPE (when a student was awaiting approval of an immunization waiver), the IEP team must determine if compensatory services are necessary. If the LEA was not required to provide FAPE (when a student was noncompliant with immunization requirements and not seeking a waiver), the IEP team must consider the impact of the missed services and review the current IEP to determine if it is necessary to modify the student's program or placement.

3. What are an LEA's obligations for students with disabilities attending nonpublic schools?

Immunization requirements, attendance policies and FAPE entitlements apply to students with disabilities attending nonpublic schools. Nonpublic schools with questions regarding billing should contact Tessa Haiden at Tessa.Haiden@dc.gov.

For any questions, LEAs may reach out to the OSSE support team via email at DOT.ParentCallCenter@dc.gov.

Endnotes

1 ed.gov/about/offices/list/ocr/docs/ocr-factsheet-measles-201503.pdf.