



DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

COVID-19 Medical Consent & Certification for Distance Learning Frequently Asked Questions for LEAs and Schools

(Issued Nov. 9, 2021)

What forms may be used to request distance learning in the 2021-22 school year? Who is the target audience for each form?

There are four forms available to make a request for distance learning in the 2021-22 school year.

Form	Description
COVID-19 Medical Consent & Certification for Distance Learning- Student Condition, Distance Learning Required	This form is for students with a medical condition for which distance learning is required, as certified by a licensed physician or nurse practitioner. Local Education Agencies (LEAs) must accept these students into distance learning.
COVID-19 Medical Consent & Certification for Distance Learning- Student Condition, Distance Learning Recommended	This form is for students with a medical condition for which distance learning is <i>recommended</i> , as certified by a licensed physician, nurse practitioner or physician assistant. Only those students that are ineligible for a vaccine authorized for use in the United States to prevent COVID-19 are eligible. LEAs must review these requests and accept students into distance learning if there is available space.
COVID-19 Medical Consent & Certification for Distance Learning - Household Member Condition	This form is for household members that have a medical condition for which a licensed physician, nurse practitioner or physician assistant recommends the student in the same household have access to distance learning. Only those students that are ineligible for a vaccine authorized for use in the United States to prevent COVID-19 are eligible. LEAs must review these requests and accept students into distance learning if there is available space.
Request for Distance Learning for Students Possibly Subject to Educational Neglect	This form is for students whose parent(s) or guardian(s) have been reported to the Child and Family Services Agency (CFSA) or the Family Court Social Services Division of the District of Columbia Courts (FCSSD) due to possible educational neglect of the student. LEAs must review these requests and accept students into distance learning if there is available space.

What is the role of the *COVID-19 Medical Consent and Certification for Distance Learning* in planning for the 2021-22 school year?

The *COVID-19 Medical Consent and Certification for Distance Learning forms* (henceforth “medical certification”) documents a student’s or household member’s health condition for which the student is required or recommended to participate in distance learning due to coronavirus (COVID-19). LEAs may accept the original medical certification released by OSSE in May 2021 *or* the new medical certification forms for a student’s or household member’s health condition *or* the Educational Neglect form to register a student in pre-kindergarten through 12th grade for distance learning during the 2021-22 school year due to COVID-19. Note, the medical certification should not be used for students registering for Home and Hospital Instruction Programs unrelated to COVID-19; such students should adhere to the LEA’s or school’s procedures for Home and Hospital Instruction.

What is the LEA’s/school’s obligation related to approval of a request for distance learning?

LEAs and schools should consider for distance learning any student that submits a complete and legible medical certification that (1) explains how a student’s health condition requires the student’s participation in distance learning due to COVID-19, *or* (2) documents that a student who is ineligible for a vaccine authorized for use in the United States to prevent COVID-19 is recommended to participate in distance learning due to a student’s or household member’s health condition that places the individual at high risk of severe illness from COVID-19. Note, as healthcare providers are making individualized decisions regarding the need for distance learning for a given student, LEAs and schools should not question the appropriateness of the clinical determination, as long as the medical certification is complete, legible and meets one of the two criteria above. LEAs and schools may also accept the Educational Neglect form as another path to eligibility for distance learning.

Should more families request distance learning in the 2021-22 school year than there are available seats, LEAs and schools will need to determine which student(s) receive the available seat(s) in distance learning. To support them in making that determination and providing distance learning to students with a need and a high likelihood of success, LEAs and schools should review the parent’s/guardian’s response to the questions in Part IV of the medical certification form or part II of the Educational Neglect Form.

Why is there a pathway for parents/guardian who have been referred to District agencies for educational neglect?

In order to support education continuity during the pandemic, the District will permit students whose parent(s) or guardian(s) have been reported to the Child and Family Services Agency (CFSA) or the Family Court Social Services Division of the District of Columbia Courts (FCSSD) due to possible educational neglect of the student to attend school through distance learning should the school and LEA have the space to accommodate them. City Administrator’s Order No. 2021-6 establishes the process by which a local education agency may provide remote instruction to a student whose parent(s) or guardian(s) have been reported to the Child and Family Services Agency (CFSA) or the Family Court Social Services Division of the District of Columbia Courts (FCSSD) due to possible educational neglect of the student.

Who may use the form named Distance Learning for Students Possibly Subject to Educational Neglect?

This form may be completed by a parent/guardian of a student when the following conditions are met:

- A school has made a report of suspected educational neglect of a student to CFSA or FCSSD in accordance with D.C. Official Code 38-208;
- CFSA or FCSSD have investigated the report pursuant to their standard operating procedures;
- CFSA or FCSSD is unable to obtain the agreement for the student to attend school in person;
- The student is ineligible for a medical certification for distance learning; and
- CFSA or FCSSD have determined that the student's failure to attend school in-person presents no safety concerns for the student.

For families that request distance learning due to a health condition of a household member, is the LEA or school expected to verify that the student and household member live together?

No. This does not need to be verified at the time of submission. However, the medical certification forms require a signature where the signatory acknowledges that the willful false statement on this application or on material(s) submitted with this application, can be prosecuted under DC Official Code § 22-2405, and could be subject to a fine of not more than \$1,000, imprisonment of up to 180 days, or both.

Is the medical certification or Educational Neglect form required for students requesting distance learning from all grades?

The medical certification or Educational Neglect form is required for any public or public charter student requesting distance learning in pre-kindergarten through 12th grade.

Adult education schools must provide in-person activities for students who wish to participate but may also provide a distance learning option without the need for a medical certification from students. Adult education charter schools should also consult with the Public Charter School Board on any additional approvals necessary.

Are versions of the medical certification form that OSSE released in May still valid?

Yes. Students previously enrolled in distance learning via the medical certification form and process released by OSSE in May 2021 may continue to participate in distance learning for the entirety of school year 2021-22 and do not need to submit another form.

What is the role of school nurses in reviewing a medical certification form?

None. As noted above, LEA and school leaders should consider for distance learning any student that submits a complete and legible medical certification that (1) explains how a student's health condition requires the student's participation in distance learning due to COVID-19, or (2) documents that a student who is ineligible for a vaccine authorized for use in the United States to prevent COVID-19 is recommended to participate in distance learning due to a student's or household member's health condition that places the individual at high risk of severe illness from COVID-19. LEAs and schools may also accept the Educational Neglect form as another path to eligibility for distance learning.

If an LEA or school has a question about the medical certification form, is it allowable to follow-up with the physician or nurse practitioner signatory?

Yes. The parental consent section of the medical certification form provides consent to the school and healthcare provider to discuss, release, or exchange information contained in or related to this form, or release information from all education and medical records concerning the request for registration in distance learning for the referenced student due to COVID-19.

Can a family member's health condition(s) be documented as justification for the request for distance learning?

Yes. The medical certification for health condition of a *household member* must be used to request distance learning for a student due to a health condition of a household member. Both the household member's and the student's healthcare providers will need to complete sections of the form. Note, under this eligibility criterion, only those students that are ineligible for a vaccine authorized for use in the United States to prevent COVID-19 are eligible for consideration; this eligibility status must be documented by the student's healthcare provider in Part III of the medical certification form.

For how long is the medical certification and Educational Neglect form considered active?

The updated medical certification and Educational Neglect form are considered active for the approval of distance learning for the entire 2021-22 school year. Further, students approved for distance learning under the original OSSE medical certification form and process are now automatically eligible for distance learning through the entire 2021-22 school year.

There are new criteria added to this updated medical certification form related to eligibility for the COVID-19 vaccine. To whom do those apply?

A student whose healthcare provider *recommended* distance learning because of a health condition that puts the student or their household member at high risk for severe illness from COVID-19 is only eligible for distance learning if the student is *ineligible* for a vaccine that is authorized for use in the United States to prevent COVID-19. Healthcare professionals must document in Part III of the new medical certification forms the reason for the student's vaccine ineligibility, including age, medical condition, or other (which must be defined).

A student whose healthcare provider documented that the student has a health condition that *requires* distance learning may be considered for distance learning regardless of whether the student is eligible for the COVID-19 vaccine.

The COVID-19 vaccine is now authorized for children down to age 5 years. Does this mean that the new medical certification forms and process for students whose healthcare provider *recommends* distance learning are only applicable to students less than age 5?

Generally yes, except if the student aged 5 or older has another documented reason for ineligibility for the COVID-19 vaccine. See FAQ above for more detail and documentation requirements.

Can students approved for distance learning participate in in-person extracurricular activities or athletics?

No. Students approved for distance learning may not participate in any in-person activities at the school, including extracurricular and athletic activities.

What deadline has been communicated to families and medical providers for submission of the medical certification and Educational Neglect forms?

LEAs should define and communicate to families their own deadlines for submission of the medical certification and Educational Neglect forms.

Can a family request distance learning after this initial deadline?

Yes, with appropriate documentation. As students or their household members may newly enroll or develop medical conditions and students may be referred to CFSA throughout the school year, LEAs should plan for additional opportunities for families to submit the medical certification and Educational Neglect forms and register their student in distance learning beyond the initial deadline articulated above. Yet, acceptance into distance learning is not guaranteed but depends on the capacity of the LEA to provide it.

Can a family rescind its request for distance learning mid-year?

This decision will be made at the discretion of the LEA/school. Schools are encouraged to allow their students to return to in-person learning as soon as their operations allow and as allowed by a student's healthcare provider. Any student approved for distance learning under the medical certification process that wishes to transition mid-year from distance to in-person learning should submit documentation from their healthcare provider clearing them to return mid-year to in-person activities, or as otherwise directed by their LEA/school.

Can LEAs incorporate other paths to allow families to be approved for distance learning in the 2021-22 school year?

No. The only path for families to be approved for distance learning due to COVID-19 in the 2021-22 school year in a District public or public charter school is via the submission of a COVID-19 Medical Consent and Certification for Distance Learning or Educational Neglect forms.

Will LEAs be asked to report to OSSE regarding students that have submitted medical certifications or Educational Neglect forms?

LEAs and schools should retain all records related to medical certifications, Educational Neglect forms and their acceptance for at least three years and must be prepared to disclose such records to OSSE, external auditors and other District agencies, upon request, for the purposes of auditing and verification. LEAs and schools must report attendance for students participating in distance learning in accordance with OSSE guidance.

How many distance learning seats must an LEA provide?

The Protecting Our Children Emergency Amendment Act of 2021 expanded access to distance learning for students meeting certain conditions. The law further required that District of Columbia Public Schools

make available distance learning for 200 additional elementary school and 150 secondary students in addition to the students that were enrolled in distance learning as of October 5, 2021. A public charter school may limit the total number of students who receive distance learning, but no less than 3% of the total number of students enrolled in the public charter school LEA. These are the minimum number of distance learning seats that an LEA or school should provide; an LEA or school can provide more than this minimum at its discretion.

How should LEAs determine students that are able to receive distance learning if the number of requests are greater than the number of available distance learning seats?

The *COVID-19 Medical Consent & Certification for Distance Learning -- Student Condition, Recommended Distance Learning*; *COVID-19 Medical Consent & Certification for Distance Learning -- Household Member Condition* and *Request for Distance Learning for Students Possibly Subject to Educational Neglect* all include narrative questions meant to garner information about how the parent/guardian will provide support in distance learning. These questions and responses should be used to assess readiness and likelihood of success in distance learning. The rubric below may be used to assess these forms to make this determination. Only those requests made that demonstrate acceptable support in all categories should be granted access to distance learning.

Categories	Weak Support	Some Support	Acceptable Support
<i>Question 1: Rationale for Requesting Distance Learning</i>	<ul style="list-style-type: none"> No COVID-related rationale for distance learning 	<ul style="list-style-type: none"> General COVID-related rationale for distance learning 	<ul style="list-style-type: none"> Clear and specific COVID-related rationale for distance learning
<i>Question 2: Regular, timely participation in distance learning</i>	<ul style="list-style-type: none"> Student has an unacceptable record of attendance in distance learning during the pandemic. 	<ul style="list-style-type: none"> Student has a sufficient record of attendance in distance learning during the pandemic Clear and specific steps articulated for participation. 	<ul style="list-style-type: none"> Student has a strong record of attendance in distance learning during the pandemic Clear and specific steps articulated for participation
<i>Question 3: Distance Learning Environment</i>	<ul style="list-style-type: none"> Unclear description or no evidence of a learning environment for distance learning 	<ul style="list-style-type: none"> General description of learning environment for distance learning. 	<ul style="list-style-type: none"> Clear and specific description of an effective learning environment for distance learning
<i>Question 3: Consistent supervision</i>	<ul style="list-style-type: none"> Unclear or no evidence of supervision in distance learning 	<ul style="list-style-type: none"> General description of daily supervision in distance learning 	<ul style="list-style-type: none"> Clear and specific plan for providing daily supervision in distance learning

<i>Question 4: Access to Technology</i>	This question should not be evaluated for sufficiency. It should be used by the LEA/school to meet technology needs of the student should they be given access to distance learning.
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Further Questions

If you have questions contact the Division of Health and Wellness at OSSE.HealthandSafety@dc.gov.

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