



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

August 24, 2021

RE: Services designed to address interrupted instruction and regression for students with disabilities attending nonpublic special education schools (SY 2021-22)

Dear Colleague,

During the 2020-21 school year, and due to the public emergency experienced locally and nationally, many schools experienced a change in educational delivery modality and students may have experienced interrupted instruction or regression. As we continue to work together to ensure that the District improves special education services for District of Columbia children, this letter provides information regarding nonpublic special education school (nonpublic school) responsibilities to ensure the continued delivery of a free appropriate public education (FAPE) to District of Columbia students enrolled in their programs. This includes continuous education planning and implementation for the 2021-22 school year while adhering to the Office of the State Superintendent of Education (OSSE) Certificate of Approval (COA) regulations.¹ Please see below for background information as well as information on these responsibilities.

Background

In June 2021, OSSE issued [Guiding Principles for Continuous Education](#) for the 2021-22 school year, and required LEAs to complete School Year 2021-22 Continuous Education Plans (CEPs).² LEAs must include students with disabilities in the application of these guiding principles. After doing so, LEAs are additionally responsible for reviewing and conducting activities identified in question 16 of the CEPs to ensure the continued provision of a free appropriate public education (FAPE) to students with disabilities, including students enrolled in the LEA who attend nonpublic schools.

OSSE is responsible for funding tuition and related services for students placed by LEAs in nonpublic schools.³ LEAs and nonpublic schools are responsible for ensuring the delivery of FAPE to these students while they are enrolled in the LEA and attending a nonpublic school. In this letter, OSSE seeks to clarify options for funding of accelerated learning delivered by nonpublic schools to District students with disabilities.

Funding for Accelerated Learning

District LEAs and nonpublic schools serving District students are responsible for ensuring students in nonpublic schools have equitable access to accelerated learning consistent with the OSSE's Guiding Principles for Continuous Education.⁴ Local funding is not available to support these activities; however,

¹ See [5-A DCMR Chapter 28](#).

² 34 CFR §300.600. See [OSSE Guiding Principles for Continuous Education \(SY 2021-22\)](#) and [2021-22 Continuous Education Plans \(CEPs\) Application Questions](#).

³ DC Code §38-2561.03(c), DC Code §38-2561.12, 5-A DCMR §2845. See [OSSE Procedures and Guidance for Processing Invoices Received from nonpublic Schools and Programs that Provide Special Education and Related Services](#).

⁴ [OSSE SY2020-21 Guiding Principles for Continuous Education](#)

District LEAs and nonpublic schools should consider how stimulus funding can be used to support the delivery of accelerated learning to District students with disabilities, including the following methods:

- LEAs may contract with nonpublic schools for the provision of accelerated learning or other additional services necessary to address interrupted instruction resulting from the public health emergency that would not otherwise be part of existing nonpublic school tuition payments made by OSSE to nonpublic schools.
- Nonpublic schools located within the District may be eligible for [stimulus funds](#) for private schools. Nonpublic schools located outside of the District may apply for stimulus funds available through county or state funding.

OSSE's Division of Student Transportation (DOT) will continue to provide transportation services for eligible students with disabilities in accordance with their IEPs. If a nonpublic school must adjust its operational schedule to accommodate additional accelerated learning services, OSSE DOT may provide transportation in accordance with the amended school day schedule or school calendar consistent with its regular operational status. If a nonpublic school chooses to provide accelerated learning services outside of the regular school calendar or day, the nonpublic school is responsible for providing transportation services for eligible students with disabilities. In instances where the nonpublic school amends the school day or calendar, nonpublic schools must inform their assigned OSSE Nonpublic Program Monitor.⁵

Next Steps

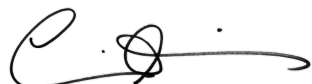
To ensure District students with disabilities receive equitable access to accelerated learning, nonpublic schools should:

- Collaborate with District LEAs to engage in coordinated review of student data to develop individualized accelerated learning plans designed to address student interrupted instruction and regression and ensure continuous review of that plan to meet students' evolving recovery needs.
- Consider operational adjustments to meet the needs of students who may require accelerated learning supports to address interrupted instruction or regression including exercise of school year and school day flexibilities.

Please direct any questions regarding the content of this document to OSSE.DSEPolicy@dc.gov.

OSSE is pleased to work with nonpublic schools toward the District's continued improvement in the delivery of IDEA services to students with disabilities. Thank you for your efforts to support the education of students with disabilities in the District of Columbia.

Sincerely,



Nikki Stewart
Assistant Superintendent
Division of Systems and Support, K-12

⁵ 5-A DCMR §2803.4.