



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

## Proposed Chapter 30 Special Education Regulations: Guided Questions for Public Comment

OSSE encourages stakeholders to provide public comment on the entirety of the regulations, but is seeking specific comments on the areas identified in the guided questions below. Stakeholders may use the guided questions to assist in their review of the regulations and drafting of public comment.

### General Areas for Comment

OSSE invites comments on the proposed regulations, including practical impacts on stakeholders, as they relate to the following areas:

- LEA obligations to conduct reasonable efforts to contact parents or obtain parental consent;
- Provision of documents and prior written notice to parents prior to meetings or LEA actions;
- Required timelines;
- Communication of LEA obligations and student and family rights; and
- What additional guidance or technical assistance may be needed to support implementation of the regulations for LEAs, parents, students, and other stakeholders.

### Disability Categories (§3011)

This section updates definitions, criteria, and IEP team considerations for determining eligibility for each disability category consistent with IDEA definitions. OSSE invites comments on the practical impacts of these requirements, and what additional guidance, resources, or supports IEP teams may need to effectively apply new eligibility criteria in the eligibility determination process. Stakeholders may refer to the Notice of Proposed Rulemaking – Special Education memorandum, [available on OSSE's website](#), for more information on changes in disability categories.

### Related Services (§3012)

Section 3012 updates definitions of related services in accordance with IDEA definitions, including removing some detailed or descriptive language currently found in related services definitions as established by OSSE's Related Services Policy. OSSE seeks comments on the proposed definitions, as well as input on current practice regarding related services, including the impact of the definitions in the educational context of the District of Columbia, and what experience, qualifications, licensing, or credentials should be required of personnel providing specific related services.

### Individualized Education Program in Effect (§3020)

Section 3020 addresses the LEA responsibility to ensure that there is an IEP in effect for each enrolled child who has been determined eligible for special education and related services throughout the calendar year, including the summer months. The proposed regulations incorporate existing policy

requirements related to IEP implementation for transfer students. OSSE invites comments on procedures and responsibilities related to student transfer between LEAs (both inside and outside of the District), including LEA obligations to review, adopt, and develop IEPs; timelines; and documentation requirements.

### Homebound Services and Hospital Instruction (Not Required for FAPE) (§3023)

Section 3024 addresses LEA obligations to provide instruction in the home or hospital when the IEP team determines that such environments are the student's least restrictive environment necessary for the student to access a free appropriate public education (FAPE). Conversely, section 3023 addresses the LEAs' responsibility to provide homebound services and hospital instruction to children with disabilities due to illness or injury when services in those placement settings are not required for the student to access FAPE. OSSE invites comments on LEA responsibilities related to the provision of homebound services and hospital instruction when not required for a student to receive FAPE, including policy considerations, service provision, and documentation requirements.

### IEP Certificate of Completion for Special Education (§3027)

Section 3027 seeks to establish a standardized framework for awarding the IEP Certificate of Completion to encourage meaningfulness of the certificate as deemed appropriate by the student's IEP team. The proposed regulations require LEAs to establish uniform minimum requirements for the IEP Certificate of Completion, or adopt the requirements established in the regulations. OSSE invites comments on the proposed components of an LEA policy regarding IEP Certificate of Completion, the proposed minimum requirements, and the eligibility requirements for pursuing an IEP Certificate of Completion.

### Paraprofessionals (§3031)

Section 3031 establishes qualifications for paraprofessional staff, also called dedicated aides, including behavioral aides, health aides, and instructional aides. OSSE invites comments on the proposed qualification criteria as it relates to current paraprofessionals, how applied experience and professional certifications should be taken into consideration to ensure an appropriate knowledge base for paraprofessional staff, and the practical impacts of implementing minimum educational or experiential requirements for LEAs making staffing and hiring decisions.

### Restraint and Seclusion (§§3045-3047)

The restraint and seclusion sections incorporate regulatory requirements currently imposed on nonpublic special education schools and programs and applies those requirements to all LEAs. OSSE invites comment on the practical impacts associated with LEA implementation of the proposed regulations on restraint and seclusion, the proposed regulations as applied to students with disabilities or all students in an LEA (including students without disabilities), and the proposed training and documentation requirements.