



Office of the



State Superintendent of Education

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

DIVISION OF SPECIAL EDUCATION

NOTICE OF PUBLIC HEARING

Wednesday, April 6, 2011

Wednesday, April 13, 2011

810 First Street, NE

3rd Floor

Washington, DC 20002

6:00pm – 8:00pm

The Office of the State Superintendent of Education (OSSE), Division of Special Education will hold public hearings to discuss a proposed rulemaking, Chapter 28, subtitle A of Title 5 of the District of Columbia Municipal Regulations (DCMR) entitled “Certificates of Approval for Nonpublic Special Education Schools and Programs Serving Students with Disabilities funded by the District of Columbia.”

The proposed rulemaking addresses special education tuition and related services rates. This is the second rule proposal to establish special education tuition and related service rates. OSSE previously published for public comment proposed rates on June 18, 2010 at DC Register. Two public hearings were held regarding that proposed rulemaking.

This proposed rulemaking was posted for public comment on Friday, March 25, 2011 and included in the DC Register. To access the DC Register online, visit www.dcregs.dc.gov. Two public hearings will be held Wednesday, April 6, 2011 and Wednesday, April 13, 2011 on the proposed rulemaking. The comment period begins Friday, March 25, 2011 and concludes Monday, April 25, 2011. All comments received by 5PM Monday, April 25, 2011, will be considered.

The following summary provides an overview of the proposed rulemaking. Please note that this overview is provided for informational purposes only. Persons are encouraged to read the proposed rulemaking for full detail.

- Changes the name of the chapter. Certificates of Approval (COA) will be removed from the title because the content of the chapter is broader than COA;



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- Clarifies and strengthens requirements around attendance and truancy for students attending nonpublic schools;
- Clarifies invoicing protocol including the required elements of an invoice, prohibitions on bundling of related services, and allows OSSE to apply debits or seek refunds from any nonpublic school charging in excess of approved rates;
- Clarifies factors to be considered when making program placement and location assignment decisions;
- Addresses nonpublic school or program rates established by another state and allows OSSE the discretion to accept another state's established rates when OSSE deems them reasonable;
- Establishes maximum annual and per diem per student tuition rates;
- Establishes residential program rates;
- Establishes Extended School Year (ESY) Services rates;
- Establishes related services rates;
- Establishes evaluation rates; and
- Includes Rate Appeals Process for nonpublic schools serving individual students whose unique or specialized needs cannot be properly addressed and funded through the established rate.

Persons wishing to review the proposed rulemaking may access it on the OSSE webpage at www.osse.dc.gov under Special Education. The proposed rulemaking as well as all of OSSE's special education policies and regulations can also be accessed by clicking here.

Individuals wishing to testify at the hearing should contact Desirée Brown, State Advisory Panel Coordinator and Public Outreach Specialist, at 202-741-0271 or by e-mail at desiree.brown@dc.gov no later than 5PM on Monday, April 4, 2011 to be added to the witness list for the public hearing scheduled for April 6, 2011 or no later than 5PM Monday, April 11, 2011 for the hearing scheduled for April 13, 2011. Each individual presenting in person will be limited to five (5) minutes in an effort to allow all individuals an opportunity to be heard.



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Individuals representing an organization will be limited to a total presentation time of seven (7) minutes.

Individuals who do not register with OSSE prior to the hearing may testify based upon a first-come first-serve basis as time permits within the timeframes announced for each hearing. On-site assistance with registration will be available prior to each hearing.

Individuals may request an accommodation for a physical disability or language access in order to participate in the public hearing by contacting Desirée Brown no later than 5 PM Wednesday, March 30, 2011 for the April 6, 2011 public hearing or no later than 5PM on April 6, 2011 for the April 13, 2011 public hearing.

Individuals who wish to submit comments as part of the official record should send copies of the written testimony and statements no later than 5PM on Monday, April 25, 2011 for the proposed rulemaking on Certificates of Approval for Nonpublic Special Education Schools and Programs Serving Students with Disabilities funded by the District of Columbia to:

Tamera Lewis, Assistant Superintendent of Special Education
c/o Desirée Brown
Office of the State Superintendent of Education, Division of Special Education
810 First St. NE - 5th Floor
Washington, DC 20002
or
e-mail to osse.publiccomment@dc.gov