



*News from Commissioner Jeffrey C. Riley & the  
MA Department of Elementary and Secondary Education*

## **On the Desktop - March 27, 2020**

### **Payments for Contracted Services**

Dear Superintendents, Charter School Leaders, Assistant Superintendents, Collaborative Leaders, Executive Directors of Approved Special Education Schools, and School Business Officials,

In response to questions I have received about payments while schools are closed, I am writing to provide further recommendations to districts relating to: (1) tuition payments for resident students enrolled in certain public school programs; (2) tuition payments for out-of-district day or residential special education programs; (3) payments for contracted special education related service providers; and (4) outsourced operational services, such as school transportation.

#### **1. Tuition payments for collaboratives, non-residential vocational enrollments, recovery high schools, Horace Mann charter schools, and inter-district tuition agreements**

Given the expectations that schools will continue to provide services to students even while physically closed and that Chapter 70 aid will continue to be distributed based on prior year enrollment, it is our expectation that districts and municipalities with resident students enrolled in other Massachusetts public schools will continue to make all required tuition payments. This includes tuition for:

- collaboratives,
- non-resident Chapter 74 vocational enrollments,
- recovery high schools,
- Horace Mann charter schools, and
- inter-district tuition agreements.

Cities and towns are also expected to pay assessments due to regional districts to which they belong.

Payments for Commonwealth charter school tuition, Commonwealth virtual school tuition, and inter-district school choice tuition will continue to be processed by DESE through DOR's monthly local aid distribution.

**2. Tuition payments for out-of-district day or residential special education programs and “circuit breaker” reimbursement**

It is our expectation that school districts will continue to provide tuition payments to day and residential special education programs to maintain this essential system capacity and promote continuity of service for students to the greatest extent possible. Most residential schools remain open, and day programs have agreed to continue providing learning opportunities and services to students remotely during this period. The tuition payments will be eligible for reimbursement under the circuit breaker program if they exceed the statutory threshold and are otherwise eligible.

**3. Service payments for contracted special education-related service providers (e.g. external organizations and agencies that provide occupational therapy, physical therapy, speech therapy, and other services to in-district students)**

On March 21, 2020, the U.S. Department of Education (USED) released a [supplemental fact sheet](#) addressing the risk of COVID-19 while serving students with disabilities. In this recent guidance, USED indicates that districts should continue to provide special education services to students with disabilities to the extent feasible and consistent with public health obligations. Given the need to continue to provide some services, I recommend that districts work with providers to review and potentially amend the providers’ scopes of service to ensure vendor contracts reflect the necessary requirements to get these services up and running. For instance, districts could incorporate distance learning services as well as professional learning to prepare contract staff for distance learning or other available means of providing services. The need for this ongoing work to serve students (and to prepare contracted staff to do so effectively) should enable providers to continue to bill districts for services rendered.

**4. Outsourced operational services**

In addition to guidance already issued by the federal Office of Management and Budget (M-20-11 and M-20-17), the version of the federal stimulus bill passed by the U.S. Senate on March 25, 2020 includes a provision that any state or school district that receives money from the Education Stabilization Fund established by the bill “shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to the coronavirus.” That bill is scheduled to be voted on by the U.S. House of Representatives on March 27, 2020. To the extent consistent with that directive, we expect school districts to continue payments for outsourced operational services that are needed to ensure continuity of essential services when schools reopen. Such payments may be conditioned on negotiated changes to contracts in order to address unanticipated service needs during the state of emergency. These services include, but are not limited to, transportation, custodial, and food services, in addition to the day and residential special education programs noted above.

Sincerely,

Jeffrey C. Riley  
Commissioner