Technical Assistance Session: Incident Reporting Requirement for DC Local Education Agencies

Aug. 21, 2019

Agenda

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- Regulatory Requirements for Reporting
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- Reporting an Incident
- Reporting Structure in QuickBase: Incident Report Module
- Lessons Learned from 2018-19 Incident Report Reviews
- Local Education Agency (LEA) Observations and Reflections
- Resources
- Questions

Introduction and Purpose

Introduction and Purpose

- As the state education agency for the District of Columbia, OSSE is charged with setting high expectations, providing resources and support, and exercising accountability to ensure that all students receive an excellent education.
- In accordance with the District of Columbia Municipal Regulations (DCMR) Chapter 2800, OSSE is committed to ensuring that students with disabilities attending nonpublic schools or programs receive a free and appropriate public education (FAPE), with proper positive behavior supports, when needed, in a safe environment.
- In 2018, OSSE developed an application in QuickBase to permit nonpublic schools to upload their reports of individual incidents involving DC students.
- Nonpublic schools are required to complete the notification process in QuickBase Incident Report Module within one business day of the date of the incident.
- When a notification is made to OSSE, the LEA of enrollment will also receive an email alerting the LEA of the notification.

Introduction and Purpose

- The requirement does not relieve nonpublic schools and LEAs of the requirements in the Chapter 2800 of the DCMR regarding incident reporting and monitoring of student incidents.
- Pursuant to 5-A 28 DCMR § 2820.4, LEAs should receive a copy of the written incident report within one business day of the restraint or seclusion incident. This system will allow for OSSE to now receive this notification.
- Pursuant to 5-A 28 DCMR § 2830.2, LEAs should receive in writing within one business day a report for any other incident involving physical injury to a student. This system will allow for OSSE to now receive this notification.

Regulatory Requirements for Reporting

Notification to OSSE and Other Key Stakeholders

- DCMR authorizes OSSE to receive information from nonpublic schools.

- 5-A 28 DCMR § 2836.1 requires a "nonpublic special education school or program shall make available to OSSE, on request, information on all aspects of the school's program(s), staff credentials, certification by agencies other than OSSE, information regarding any complaints made, health and safety information, the individual records of DC students, and any other information that OSSE may reasonably require in exercising its duties as the SEA."

- Pursuant to 5-A 28 DCMR § 2820.4, for incidents involving **restraint and seclusion**, "a copy of the written incident report shall be sent within one business day of the incident to the student's parent(s), the sending LEA, and any other DC agency involved in the student's placement." The new requirement will also allow for OSSE to receive a notification of incidents that involve DC students who attend a nonpublic school or program as well as a copy of a completed incident form.

- Pursuant to 5-A 28 DCMR § 2830.2, for incidents involving **physical injury** to a student, "any other incident involving physical injury to a student shall be reported in writing within one business day to the sending LEA, any other involved District of Columbia agency, and the student's parent(s)." The new requirement will also allow for OSSE to receive a notification of incidents that involve DC students who attend a nonpublic school or program as well as a copy of a completed incident form.

Types of Incidents

Types of Incidents

- DCMR Chapter 28 provides specific reporting requirements for incidents involving any of our students that include:
    - physical restraint (as defined by 2816),
    - mechanical restraint (as defined by 2817),
    - seclusion (as defined by 2819),

- In addition, the regulations specify a general requirement to report any situation that may include:
    - suspected abuse or neglect (required by 2811),
    - physical injury (required by 2830.2), and
    - emergency reporting(required by 2831.1).

Incident Report Requirements: Restraint and Seclusion

Incident Report Requirements

- Pursuant to 5-A 28 DCMR § 2820.1, if any form of restraint or seclusion is used, the nonpublic special education school or program shall prepare and file a written report consistent with the requirements of this section.

- Additional requirements:
  - 2820.3: The written incident report shall be prepared for each individual incident involving a restraint or seclusion, and shall be placed in the student's permanent file within 24 hours of the incident.

  - 2820.5: Except in the case where a child's individualized education program (IEP) authorizes the use of restraint and/or seclusion and a behavioral intervention plan (BIP) had been created, the IEP team shall meet 10 school days of the incident to consider the need for an functional behavioral assessment (FBA) and BIP and to discuss non-physical and non-restrictive de-escalation strategies. If the student has a BIP in place, the IEP team shall review and revise as appropriate. If the student is unable or unwilling to attend the IEP team meeting, the nonpublic special education school or program shall meet with the student individually to discuss the incident as appropriate after consulting with the sending LEA.

5-A 28 DCMR § 2820.2

- A written incident report shall include the following information:

  (a) The student's name;

  (b) The date of the incident;

  (c) The beginning and ending times of the incident, and beginning and ending times of actual restraint or seclusion;

  (d) A description of relevant events leading up to the incident;

  (e) A description of any interventions used prior to the implementation of restraint or seclusion;

  (f) A log of events during the restraint, including the restraint technique(s) used;

  (g) A log of events during the seclusion;

  (h) A description of any injuries (whether to students, personnel or others) and/or property damage;

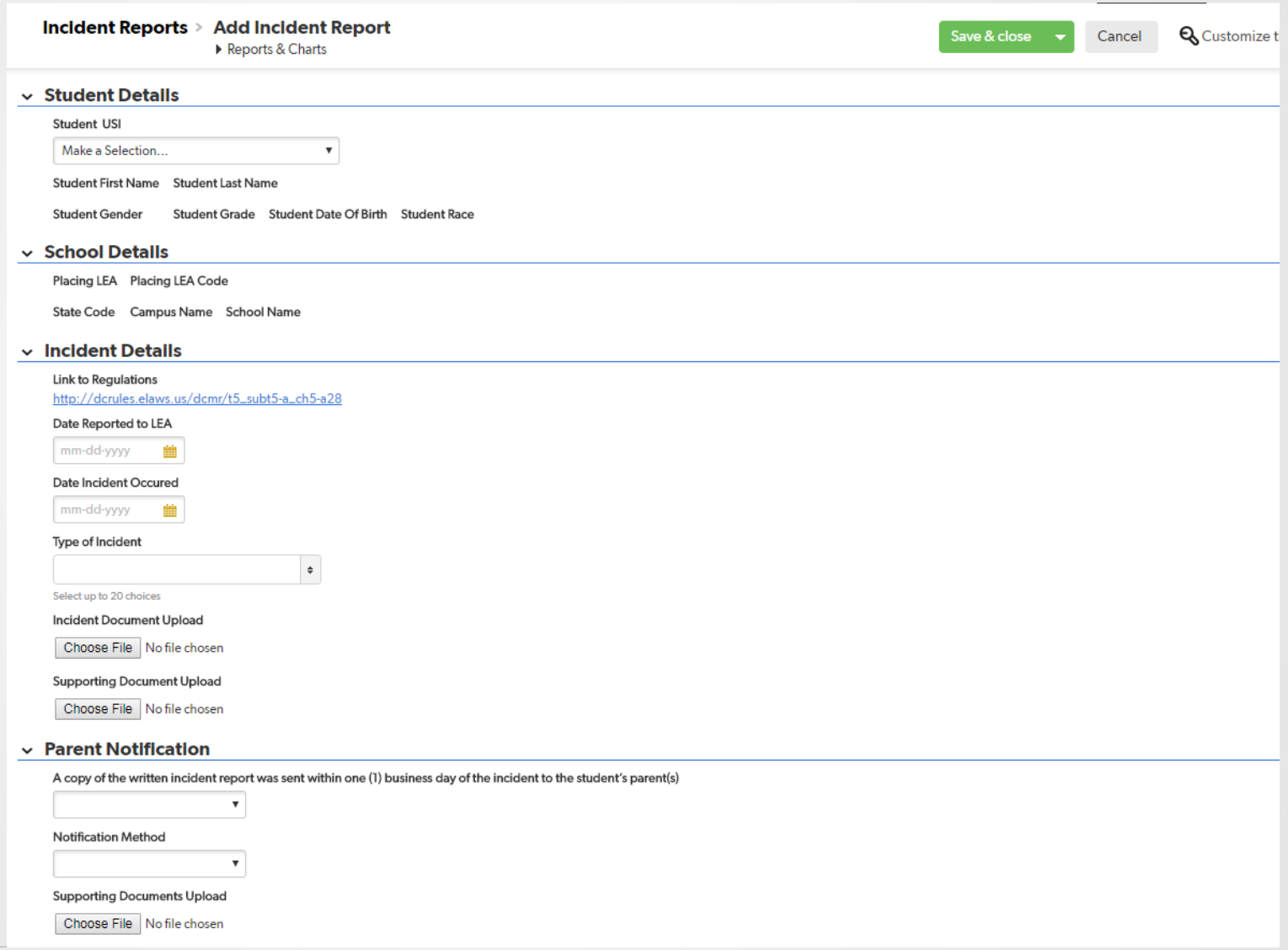
  (i) A list and signatures of the school personnel who participated in the implementation, monitoring, and supervision of the restraint or seclusion event; and

  (j) A description of the short-term planned approach to addressing the student's behavior in the future.

OSSE Notification: Incident Report Module

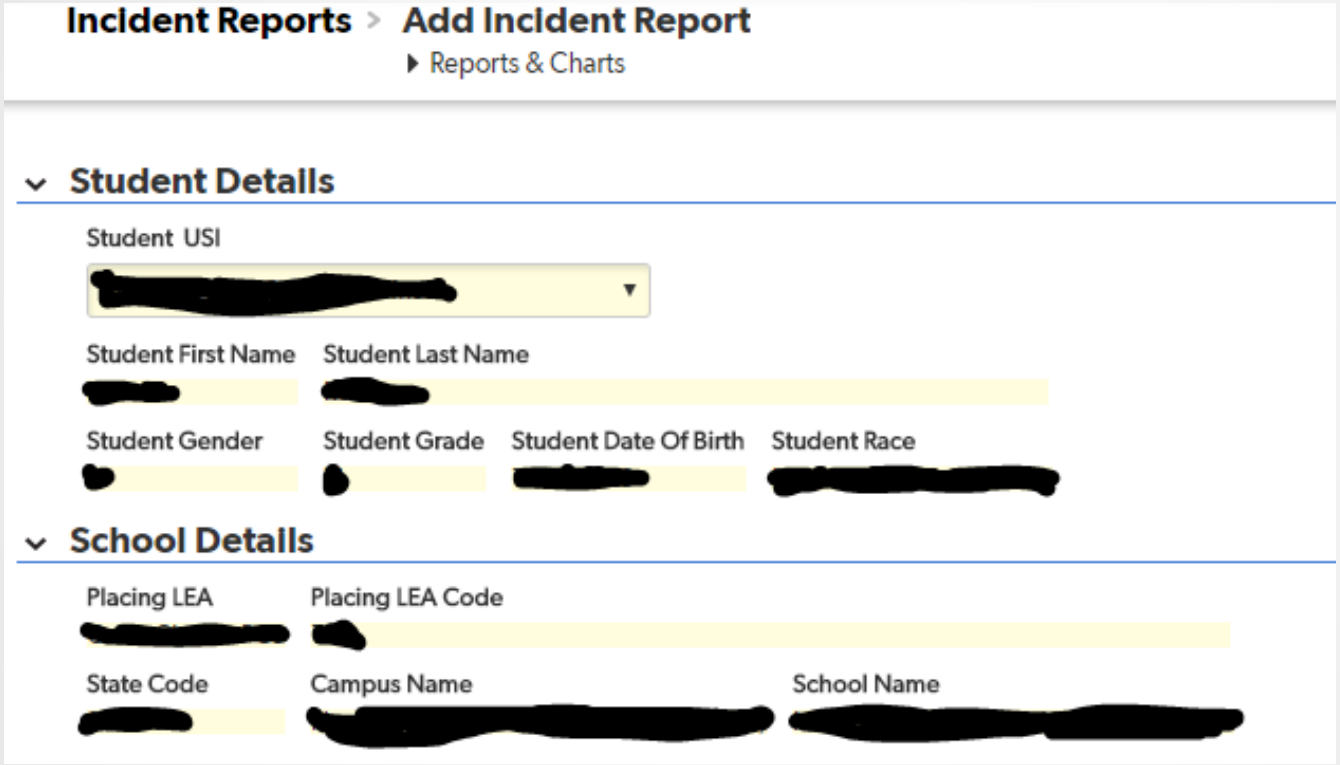
Structure of the Incident Report Module

Four sections for the school to complete



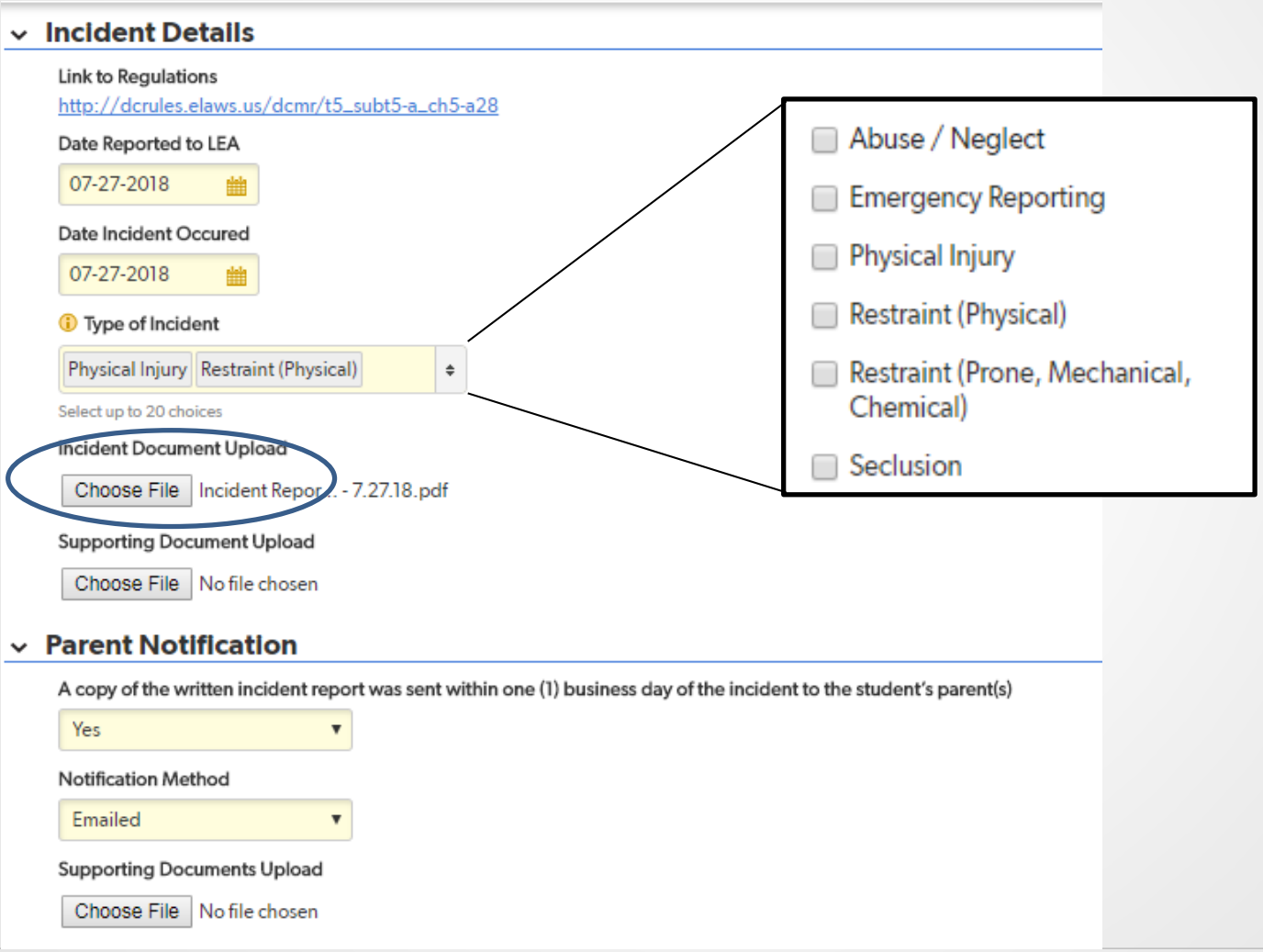
Structure of the Incident Report Module

- Entering data for the student and the school



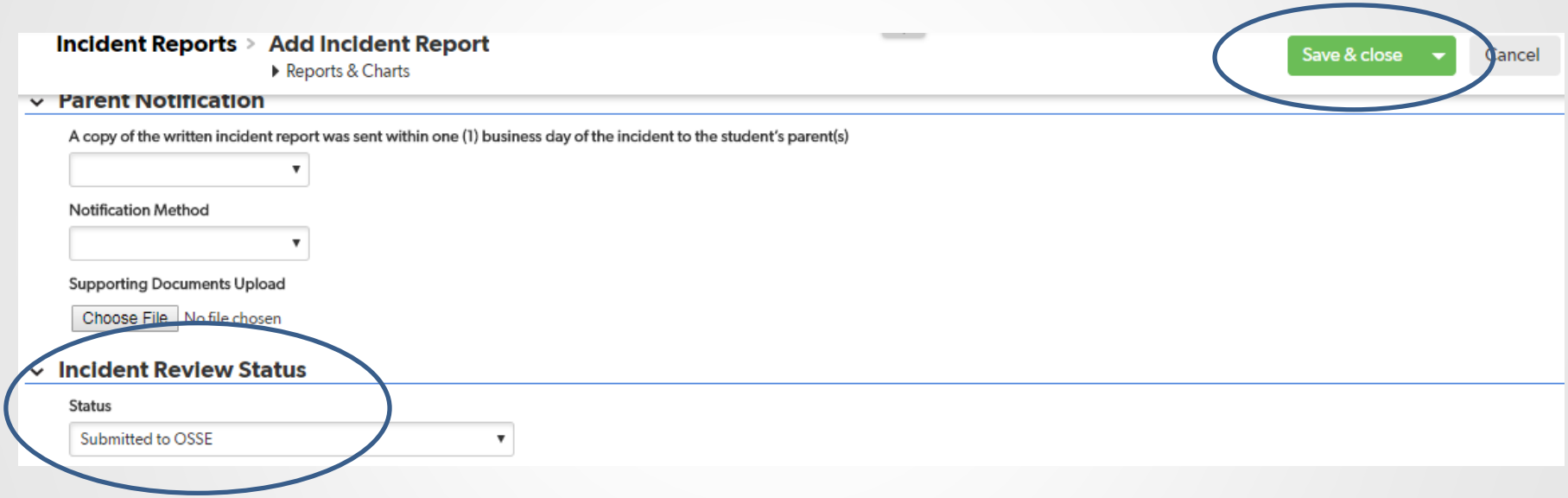
Structure of the Incident Report Module

- Entering details of the incident; notifying parent(s)



Structure of the Incident Report Module

- Saving your work and following the incident



Lessons Learned from 2018-19 Incident Report Reviews

Lessons Learned

- When submitting an incident report, proofread the incident report as well as fields in the Incident Report Module.
- If you are unsure if an incident report needs to be submitted, or have questions about what should be submitted in the Incident Report Module, contact OSSE Nonpublic Monitoring Team.
- If you encounter issues with your student roster:
  - Check to make sure that the student's attending school reflects the correct nonpublic school.
  - If the *attending school* does not reflect the correct nonpublic school, please work with the LEA to ensure that the attending school name is correct.
  - If the *attending school* is correct and the issue remains, please contact OSSE.
- Check your student roster on a regular basis.
- When completing and submitting an incident report, provide more information rather than less and ensure all required elements are included.

Technical Assistance Letters

OSSE Technical Assistance Letters

- Areas of strengths
- Areas of continued growth
- Additional recommendations

LEA Observations and Reflections

LEA Observations and Reflections

- Based on your experience in receiving notification of incidents via the Incident Report Module this past year, how did it affect your student progress monitoring activities for your students attending the respective nonpublic schools?

- Based on the OSSE lessons learned and your own experiences reviewing incident reports this past year, how do you envision collaborating with the nonpublic schools that serve your students in the 2019-20 school year?

- How can OSSE assist you in supporting your nonpublic students' behavioral and social-emotional needs?

Resources

Resources: OSSE Exemplar Incident Report Form

- Beginning in the 2019-20 school year, OSSE will introduce a model incident report form and guidance document for nonpublic schools to use to document incidents.
- The OSSE Incident Report form will include all elements required to document incidents per DCMR regulations. The form is designed to facilitate more consistent, complete, and concise reporting of information that nonpublic schools, LEAs, and OSSE can review to support students, engage in ongoing review of incident report data, and ensure adherence to DCMR regulations.
- OSSE will conduct several trainings for nonpublic schools and LEAs in the beginning of the school year.

TA QUESTION: Would LEAs have an interest in receiving training on conducting in-depth reviews of incident reports from a student progress monitoring and compliance monitoring perspective?

Resources

- OSSE IDEA Part B Student Compliance Monitoring Tool Resource List
- OSSE Nonpublic School Special Education Resource Sheet: Positive Behavior Support and Emergency Behavioral Interventions
- Nonpublic School Review of Key Compliance Areas Webinar
- Nonpublic School Student Progress Monitoring and Special Education Compliance Tip Sheets
- Nonpublic Toolkit
- How to Navigate the OSSE Incident Report Module

Q&A

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Thank you!