



Technical Assistance Session: Incident Reporting Requirement for Nonpublic Schools

Aug. 15, 2019



Agenda

- Introduction and Purpose
- Regulatory Requirements for Reporting
- Types of Incidents
- Reporting an Incident
- Reporting Structure in QuickBase: Incident Report Module
- Lessons Learned from 2018-19 Incident Report Reviews
- Nonpublic School 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.



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 DCMR 2816),
 - mechanical restraint (as defined by DCMR 2817), and
 - seclusion (as defined by DCMR 2819).
- In addition, the regulations specify a general requirement to report any situation that may include:
 - suspected abuse or neglect (required by DCMR 2811),
 - physical injury (required by 2830.2), and
 - emergency reporting (required by 2831.1).



Physical Restraint

- Pursuant to 5-A 28 DCMR § 2816.1, the use of physical restraints is prohibited in all nonpublic special education schools and programs **except in emergency circumstances**, which are defined as circumstances that meet the following criteria:
 - (a) The use of the restraint is **included in the student's IEP to address specific behaviors under defined circumstances**, and the use by appropriate staff is therefore consistent with the student's IEP; or
 - (b) The intervention is **necessary to protect the student or other person from imminent, serious physical harm**; and other **less intrusive, nonphysical interventions have failed or been determined inappropriate**.
- 5-A 28 DCMR § 2816.2 states that any physical restraint shall be applied only by nonpublic special education school or program **personnel who are trained and certified in the appropriate use of specific, authorized techniques**.
- 5-A 28 DCMR § 2816.4 notes that physical restraint is **prohibited** as a **means of punishment** or as a **response to property destruction, disruption of school order, a student's refusal to comply with a nonpublic special education school or program rule or staff directive, or language that does not constitute a threat of imminent, serious physical harm**.



Chemical, Mechanical, & Prone Restraint

- Pursuant to 5-A 28 DCMR § 2816.8, a nonpublic special education school or program shall only use a **chemical restraint** on a District of Columbia student **to the extent the chemical restraint is determined to be medically necessary**. Any usage of a chemical restraint must be ordered by a physician, determined to be medically necessary, and **administered in conformance with the student's medical treatment plan**.
- Pursuant to 5-A 28 DCMR § 2817, a nonpublic special education school or program shall not use any form of **mechanical restraint** on a District of Columbia student. Use of such restraints as a policy or practice shall be grounds for denying or revoking a certificate of approval.
- Pursuant to 5-A 28 DCMR § 2818.1, a nonpublic special education school or program shall not use any form of **prone restraint** on a District of Columbia student. Use of such restraints as a policy or practice shall be grounds for denying or revoking a certificate of approval.



Seclusion

- Pursuant to 5-A 28 DCMR § 2819.1, a nonpublic special education school or program shall not use any form of seclusion on a District of Columbia student **unless it is an emergency**, as defined in section A-2816.1. Use of seclusion as a policy or practice shall be grounds for denying or revoking a certificate of approval.
- 5-A 28 DCMR § 2819.3 states that in the event of seclusion, nonpublic special education school or program personnel shall **view a student placed in seclusion at all times**, by remaining within sight of the student, consistent with section A-2819.5 herein, and shall **provide the student with an explanation of the behavior that resulted in the seclusion and instructions on the behavior required to be released from the seclusion.**
- 5-A 28 DCMR § 2819.4 states that seclusion shall only be applied by nonpublic special education school or program **personnel who are trained in the appropriate use of the specific, authorized technique and knowledgeable of these regulatory provisions** and any other guidance issued by OSSE.



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 within 10 school days of the incident to consider the need for a 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

Sections to complete

Incident Reports > **Add Incident Report** Save & close

▸ Reports & Charts

▼ Student Details

Student USI

Student First Name Student Last Name

Student Gender Student Grade Student Date Of Birth Student Race

▼ School Details

Placing LEA Placing LEA Code

State Code Campus Name School Name

▼ Incident Details

Link to Regulations
http://dcrules.elaws.us/dcmr/t5_subt5-a_ch5-a28

Date Reported to LEA

Date Incident Occured

Type of Incident

Select up to 20 choices

Incident Document Upload
 No file chosen

Supporting Document Upload
 No file chosen

▼ Parent Notification

A copy of the written incident report was sent within one (1) business day of the incident to the student's parent(s)

Notification Method

Supporting Documents Upload
 No file chosen



Structure of the Incident Report Module

- Entering data for the student and the school

Incident Reports > Add Incident Report
▶ Reports & Charts

▼ **Student Details**

Student USI
[Redacted]

Student First Name [Redacted] Student Last Name [Redacted]

Student Gender [Redacted] Student Grade [Redacted] Student Date Of Birth [Redacted] Student Race [Redacted]

▼ **School Details**

Placing LEA [Redacted] Placing LEA Code [Redacted]

State Code [Redacted] Campus Name [Redacted] School Name [Redacted]



Structure of the Incident Report Module

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

▼ Incident Details

Link to Regulations
http://dcrules.elaws.us/dcmr/t5_subt5-a_ch5-a28

Date Reported to LEA
07-27-2018

Date Incident Occured
07-27-2018

Type of Incident
Physical Injury Restraint (Physical)

Select up to 20 choices

Incident Document Upload
Choose File Incident Report - 7.27.18.pdf

Supporting Document Upload
Choose File No file chosen

▼ Parent Notification

A copy of the written incident report was sent within one (1) business day of the incident to the student's parent(s)
Yes

Notification Method
Emailed

Supporting Documents Upload
Choose File No file chosen

- Abuse / Neglect
- Emergency Reporting
- Physical Injury
- Restraint (Physical)
- Restraint (Prone, Mechanical, Chemical)
- Seclusion



Structure of the Incident Report Module

- Saving your work and next steps

Incident Reports > **Add Incident Report** **Save & close**  **Cancel**

▸ Reports & Charts

▼ **Parent Notification**

A copy of the written incident report was sent within one (1) business day of the incident to the student's parent(s)

Notification Method

Supporting Documents Upload

No file chosen

▼ **Incident Review Status**

Status



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



Nonpublic School Observations and Reflections



Reflections and Observations

- Based on your experience in submitting incident report information in the Incident Report Module this past year, how did it affect your ongoing collaboration with LEAs?
- Based on the OSSE lessons learned and your own experiences reviewing incident reports this past year, how do you envision collaborating with LEAs in serving their nonpublic students in the 2019-20 school year? In collaborating with OSSE?



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.



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 Incident Reporting Module](#)



Q&A



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| Thank you!