



Technical Assistance Session: Incident Reporting Requirement for Nonpublic Schools

August 15, 2018



Agenda

- Introduction and Purpose
- Regulatory Requirements for Reporting
- Types of Incidents
- Reporting an Incident
- Reporting Structure in QuickBase- Staff Qualifications Information Repository (SQUIRE)
- Resources
- Questions & Answers



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.
- OSSE has developed an application within QuickBase: Staff Qualifications Information Repository (SQUIRE) to permit nonpublic schools to upload their reports of individual incidents involving DC students.



Introduction and Purpose

- As of Monday, Aug. 27, 2018, nonpublic schools that hold a certificate of approval (COA) are required to notify OSSE of any incident that takes place at the nonpublic school or program and involves a District of Columbia student.
- Nonpublic schools are to complete the notification process in OSSE's Staff Qualifications Information Repository (SQUIRE) 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 new requirement does not relieve nonpublic schools and LEAs of their responsibility under Chapter 2800 of the DCMR regarding incident reporting and monitoring of student incidents.
 - The addition of OSSE to the incident report notification requirements through SQUIRE does not change the responsibility of the nonpublic school to notify other parties in conformance with the regulations.



Regulatory Requirements for Reporting



Notification to OSSE

- DCMR authorizes OSSE to receive information from nonpublic schools.
- DCMR §A-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 DCMR §A-2820.4, For incidents involving restraint and seclusion, “a copy of the written incident report shall be sent within one (1) 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 DCMR §A-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 (1) 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 (DCMR 2816),
 - mechanical restraint (DCMR 2817), and
 - seclusion (DCMR 2819).
- In addition, the regulations specify a general requirement to report any situation that may include:
 - suspected abuse or neglect (DCMR 2811),
 - physical injury (DCMR §A-2830.2), and
 - emergency reporting (DCMR §A-2831.1).



Physical Restraint

- Pursuant to DCMR §A-28.16.1, 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**.
- DCMR §A-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**.
- DCMR §A-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 DCMR §A-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 DCMR §A-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 DCMR §A-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 DCMR §A-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.
- DCMR §A-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.**
- DCMR §A-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 DCMR §A-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:
 - DCMR §A-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 twenty four (24) hours of the incident.
 - DCMR §A-2820.5: Except in the case where a child’s IEP authorizes the use of restraint and/or seclusion and a BIP had been created, the IEP team shall meet within ten (10) school days of the incident to consider the need for an 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.



DCMR §A-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: SQUIRE



Structure of the Incident Report System

Sections to complete

Incident Reports > Add Incident Report Save & close Cancel Customize t
▶ 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 System

- 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 System

- 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 System

- 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



Resources



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 Squire System](#)



Q&A



CONTACT INFORMATION

FIND US

ADDRESS:

1050 First Street NE
5th Floor
Washington, DC 20001


POC:


Katie Reda
Special Programs Manager
Katie.Red@dc.gov

GET SOCIAL

 facebook.com/ossedc

 twitter.com/ossedc

 youtube.com/DCEducation

 www.osse.dc.gov



| Thank you!