

Nonpublic School Webinar

July 10, 2019



- Welcome & Introductions
- DC Education Landscape
- Continuum of Special Education Services (least restrictive environment and continuum of educational placement) & OSSE's Special Education Placement Process
- Incident Reporting Process
- Key Regulatory Requirements for Nonpublic Schools
- Other Key Topics: teacher certification, related service providers, OSSE monitoring activities, secondary transition, OSSE databases
- Breakout Session

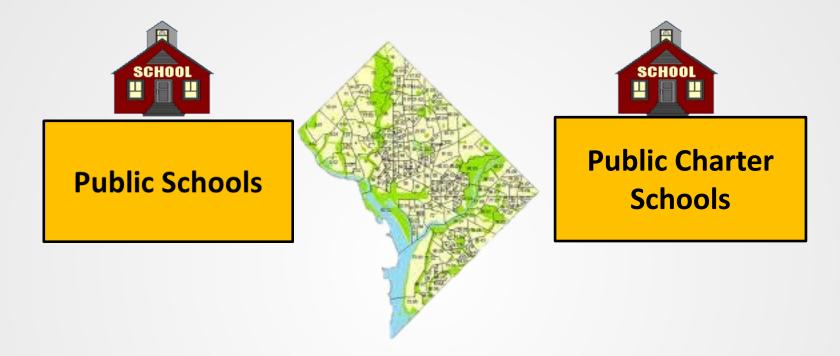




- OSSE is the state education agency (SEA) for the District of Columbia.
- OSSE monitors schools serving DC students, including public and nonpublic schools.
- OSSE is accountable for all public education in DC.



Types of Public Schools in DC



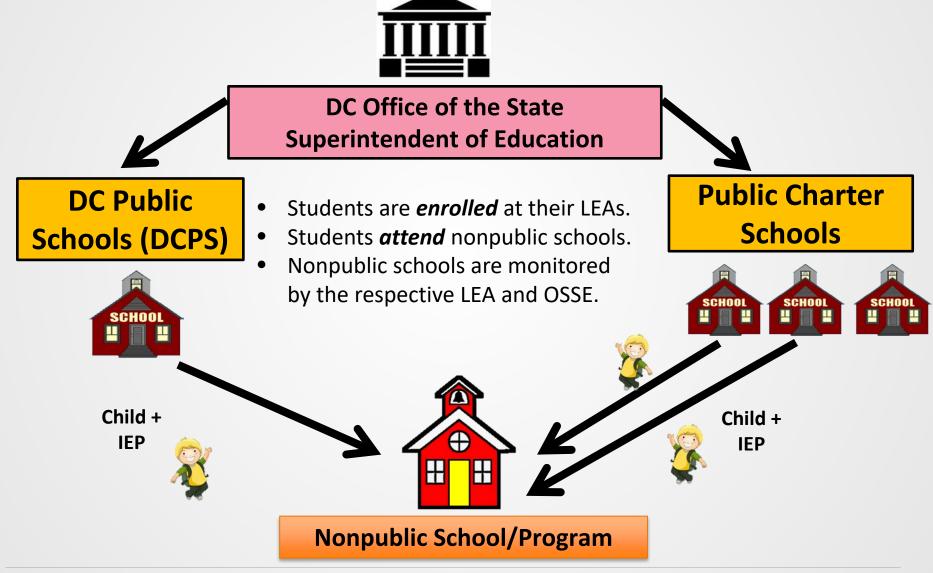
- All students in DC can choose to attend either a traditional public school or a public charter school
- OSSE oversees both types of schools



- In the 2018-19 school year there were 67 distinct DC LEAs
 66 Public Charter School LEAs and DC Public Schools.
- LEAs make decisions on a local level.
- LEAs are responsible for students enrolled in their LEA.
- LEAs must provide students a Free and Appropriate Public Education (FAPE) and offer students with disabilities a continuum of alternative placements.
- LEAs that have multiple campuses or schools sometimes offer the continuum at specific locations across their campuses/schools.



Who is Responsible for Students in Nonpublic Schools?





Continuum of Special Education Services & OSSE's Special Education Placement Process

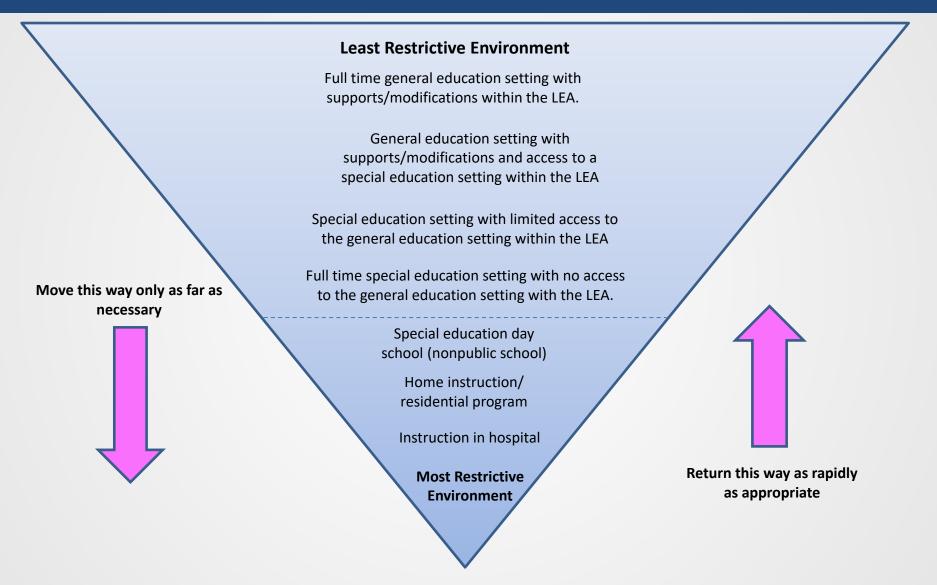


IDEA Mandate (CFR § 300.114(a)(2))

- Every public agency must ensure that to the **maximum extent** appropriate, students with disabilities are educated with students who are non-disabled in the general education classroom.
- Special schooling, special classes, or other removal of children with disabilities from the general education environment should occur **only** if the nature of severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.
- Placement decisions must be based on a child's needs and IEP, not on administrative convenience and/or disability/program offering.
- Consideration must be given to any potential harmful effect on the child or on the quality of services that the child needs.
- A child with a disability may not be removed from being educated in ageappropriate general-education classrooms solely because modifications are needed in the general education classroom.



Continuum of Educational Placements





Placement, as it relates to special education, is the level of service and the type of environment, classified by the level of restrictiveness (e.g., general education classroom, special education/resource classroom, or nonpublic school). It is also known as an educational environment.

- Placement is **NOT**:
- Location of services
- Number of hours for special education services that a student receives
- Reliant on the category of disability, language or communication needs, space availability, needed modification to the general education curriculum, or administrative convenience.



DCMR Mandate (Sec. 3012)DCMR Mandate (Sec. 3012 & 3013)

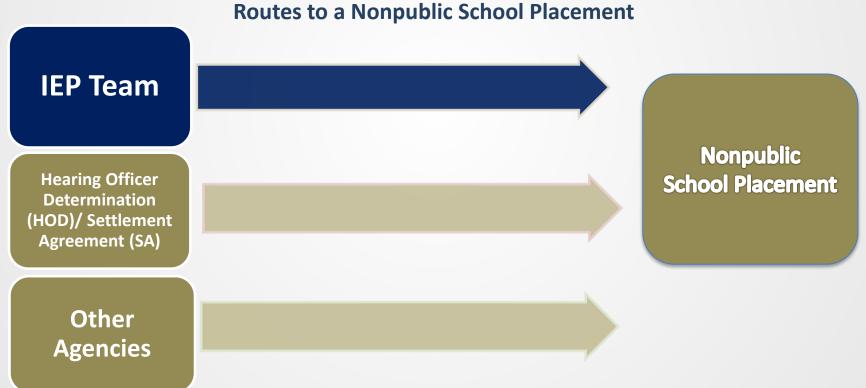
- The LEA shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- Alternative placements shall include instruction in:
 - (a) Regular classes;
 - (b) Special classes;
 - (c) Special schools;
 - (d) Home instruction; and
 - (e) Instruction in hospitals and institutions.
- Provision for supplementary services, such as resource rooms and itinerant instruction, shall be available in conjunction with regular class placement.



- The LEA shall ensure that the educational placement decision for a child with a disability is:
 - (a) Made by a group of persons, including the parents and other persons, knowledgeable about the child, the meaning of the evaluation data, and the placement options;
 - (b) Made in conformity with the LRE provision of the Act and DCMR;
 - (c) Made within timelines consistent with applicable local and Federal law;
 - (d) Determined at least annually after his or her initial placement;
 - (e) Based on the child's IEP; and
 - (f) Is as close as possible to the child's home.
- Unless the IEP of a child requires some other arrangement, the child shall be educated in the school that the child would attend if not disabled.
- In selecting the LRE, consideration shall be given to any potential harmful effect on the child or on the quality of services that the child needs.



The **Placement Oversight Team** coordinates with internal District government agencies and community partners to ensure that all District students receive FAPE; and **develops** and administers procedures to ensure that students are educated in the LRE appropriate to meet their needs.





- If an LEA/IEP team anticipates that a student may require a more restrictive nonpublic school placement, it must seek a change in placement review from OSSE.
- OSSE's role is to help the LEA/IEP team examine if additional steps can be taken to maintain the student in his/her current setting.
- OSSE conducts this process by reviewing documents related to steps taken to support the student, looking at the student's response to interventions based on the student's current behavior and performance, and listening to staff, the parent, and, as appropriate, the student him/herself.
- Once this review is completed, OSSE will provide a recommendation to the team regarding whether all steps have been exhausted or whether the team thinks additional strategies could be tried.
- Ultimately it is the IEP team's decision: OSSE serves in an advisory role.



OSSE's Placement Oversight Process

LEA/IEP Team believes student may need a nonpublic school placement.

School reviews data and response to interventions, and if determined appropriate, LEA submits a change in placement (CIP) request to OSSE

(start of a 30 day review).

At the CIP meeting, the IEP Team makes final placement determination:

If Yes- OSSE proceeds to location assignment phase

If No- student remains in public setting; case closed

Case manager attends a formal CIP meeting to inform a state recommendation

(on or around 30th day).

OSSE case manager is assigned and begins a thorough review of the CIP request, including: file review, stakeholder discussions, and student observation.

OSSE holds an informal meeting with the LEA to provide technical assistance (initial phone conference) (during 30 day review).

LOCATION ASSIGNMENT PHASE:

OSSE determines the nonpublic school student will now be attending, with input from LEA and parent

(start of a 10-business day review)

OSSE issues location assignment LEA issues PWN Student begins attending the nonpublic school

Case closed



In determining the educational placement of students with disabilities, consideration must be given to any potential harmful effect on the students or on the quality of services that the students need. The educational placement should also be:

- Based on the student's IEP;
- Determined by the IEP team;
- Determined at least annually; and
- Is as close as possible to the student's home school—the school the student would attend if the student did not have a disability.





- As the SEA 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 FAPE, with proper positive behavior supports when needed, in a safe environment.
- In 2018-19 school year, OSSE developed an application in QuickBase to permit nonpublic schools to upload reports of incidents involving DC students.



- DCMR authorizes OSSE to receive information from nonpublic schools.
- Make Information Available to OSSE. 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."
- **Report Restraint & Seclusion within One Business Day.** 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 allows OSSE to receive notification of incidents that involve DC students who attend a nonpublic school as well as a copy of a completed incident form.
- **Report Incidents of Physical Injury with One Business Day.** 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 allows OSSE to receive notification of incidents that involve DC students who attend a nonpublic school as well as a copy of a completed incident form.

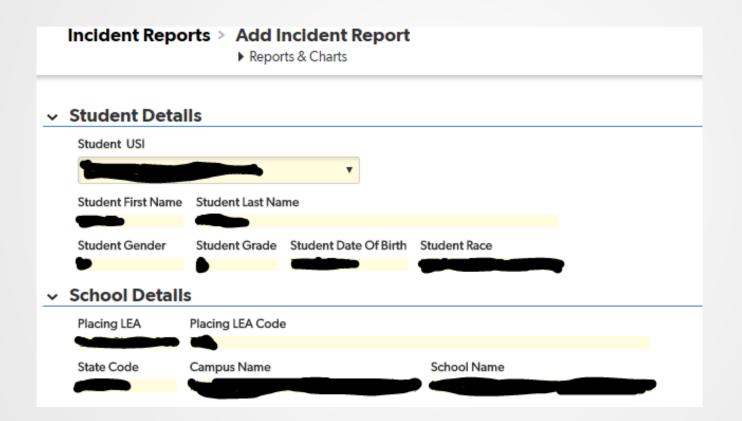


Structure of the Incident Report System

	Incident Reports > Add Incident Report > Reports & Charts	Save & close 🛛 👻	Cancel	Q Customize t
The Incident	✓ Student Details			
Report	Student USI Make a Selection			
ncludes four	Student First Name Student Last Name Student Gender Student Grade Student Date Of Birth Student Race			
sections for	✓ School Details			
he school to	Placing LEA Placing LEA Code State Code Campus Name School Name			
complete:	✓ Incident Details			
	Link to Regulations http://dcrules.elaws.us/dcmr/t5_subt5-a_ch5-a28 Date Reported to LEA mm-dd-yyyy file Date Incident Occured mm-dd-yyyy file Date Incident Occured Type of Incident Select up to 20 choices Incident Opcoument Upload Choose File No file chosen Verent Notification Acopy of the written incident report was sent within one (1) business day of the incident to the student's parent(s) Votification Method vereit file No file chosen			



Entering data for the student and the school



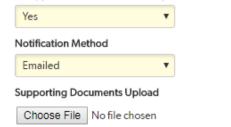


Entering details of the Incident; Notifying parent(s)



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)





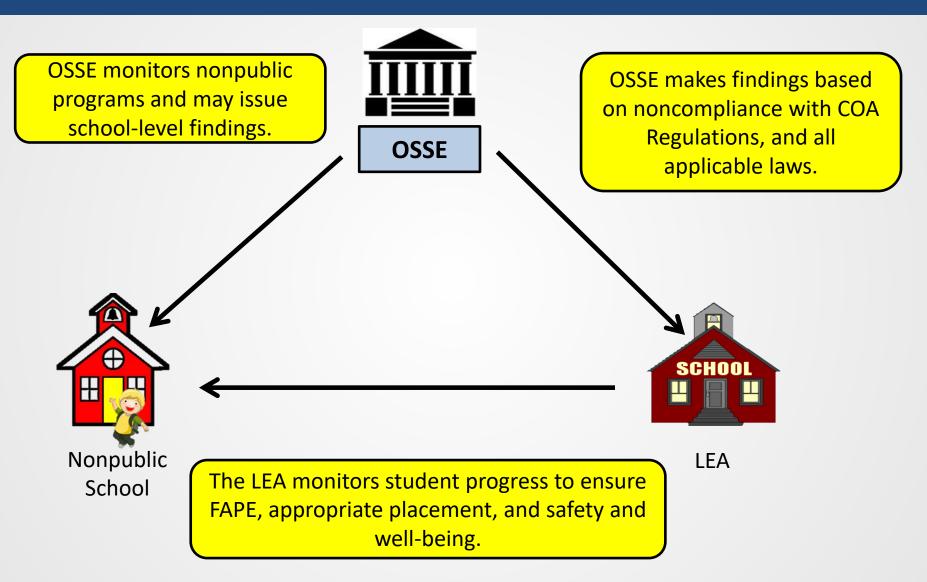
• Saving your work and following the incident

Incident Reports > Add Incident Report > Reports & Charts Parent Notification 	Save & close
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 Choose File No file chosen	
Incident Review Status	
Status Submitted to OSSE	



Role and Responsibilities of Nonpublic Schools—Key Regulatory Requirements for Nonpublic Schools







Nonpublic schools are required to:

- Comply with 34 CFR §300, 5-A 28 DCMR § 2800, and 5-A 29 DCMR § 2900 and all other applicable local and federal regulations; and
- Ensure that all SEDS documentation is timely, accurate, and complete per 5-A 28 DCMR § 2808.2, so that LEAs can effectively monitor student safety and progress on IEP goals.



Nonpublic schools are expected to:

- Ensure that their staff are proficient in all relevant data systems;
- Collaborate with the LEA;
- Submit COA applications in a timely manner;
- Correct identified noncompliance as soon as possible;
- Respond to OSSE data requests in a timely manner;
- Ensure that time-sensitive documentation is updated before expiration dates (e.g., inspections, restraint certifications, provider credentials); and
- Attend monthly Nonpublic POC Webinars.



Clarifying Roles & Responsibilities

LEA	Nonpublic School		
Student Progress	Reporting Responsibility (e.g.,		
Monitoring	Incident, IEP Meeting Follow-up)		
Correcting Student-level	Scheduling and Convening		
Noncompliance	IEP Meetings		
Attendance Intervention	Quarterly Progress		
Planning	Reporting		
Conducting Triennial	Related Service Delivery		
Evaluations	and Documenting		



Clarifying Roles & Responsibilities

OSSE	LEA	Nonpublic School
	Ensuring accurate, complete, and timely	Ensuring their portion of student data in
	student data in Special Education Data	SEDS is accurate, complete, and timely
	System (SEDS)	
	Working closely with nonpublic school	Working closely with LEA staff to ensure
	staff to ensure timely completion of all	timely completion of all required IEP
	required IEP documentation, adherence	documentation, adherence to federal
	to federal and District special education	and District special education
	regulations, and active participation by	regulations, and active participation by
	all IEP team members, including students	all IEP team members, including
	and parents	students and parents
Verifying correction	Correcting identified noncompliance	Working with LEA to correct identified
of noncompliance		noncompliance



Clarifying Roles & Responsibilities

OSSE	LEA	Nonpublic School
Monitoring nonpublic schools at	Monitoring student progress for	Monitoring student progress for
least once during the validity of	individual students frequently	individual students frequently
the COA		
Looking at nonpublic program as	Looking at individual students	
a whole, as well as facilities		
Investigating issues regarding	Primary responder to any	Ensuring student safety
health and safety of any DC	concerns or incidents	
student		
Monitoring IEP implementation	Ensuring FAPE & overseeing IEP	Providing IEP services,
on a large scale within the	implementation for individual	participating in statewide
nonpublic program and	students	assessment administration, and
alignment with COA regulations		complying with federal and COA
		regulations
Monitoring nonpublic overall	Continually assessing the LRE for	Working with LEA to facilitate
process of facilitating students'	each student	students transitioning to LRE
transition to LRE		

Onsite Monitoring: Applicable Regulations

- OSSE conducts triennial onsite monitoring visits to ensure nonpublic schools are compliant with DCMR Title 5 (including Sections A, B, C, & E), DCMR Chapters 2800, DC Code § 38–2561, IDEA, ADA, and Section 504. (5-A 28 DCMR § 2801.1)
- Visits are conducted at least once within COA validity period with a monitoring report issued documenting any findings of noncompliance (5-A 28 DCMR § § 2804.2, 2837.1, 2837.3, 2842.1, and 2842.2).
- Nonpublic schools are expected to correct all identified noncompliance as soon as possible. (5-A 28 DCMR § 2842.4)
- Starting in the 2019-20 school year, nonpublic schools failing to correct noncompliance identified in onsite monitoring and/or annual assurance data submissions within 180 days of identification will be issued additional corrective actions and have their COA status changed to probationary.



- Pre-site conference calls are scheduled with the nonpublic school six to eight weeks before the site visit along with a document request from OSSE to the nonpublic schools that includes an organizational chart, student roster, school calendar, staff roster information, attendance records, and select policies.
- Once the details of the site visit are finalized in the pre-site conference call, the OSSE nonpublic monitoring site visit team reviews all submitted documentation and completes final travel arrangements.



- Notification of the onsite monitoring visit occurs in Aug.-Sept. of the upcoming school year
- Onsite monitoring activities include:
 - A tour of the nonpublic school including classroom observations and an inspection of any residential areas and/or treatment facilities;
 - Interviews with administrators, teachers, related service providers, students, parents, and others as appropriate; and
 - A remote review of student files and related services records in the SEDS/EasyIEP conducted prior to or immediately following the onsite visit to determine IDEA and DCMR Chapters 28 and 30 compliance.



- Upon completion of the site visit, OSSE conducts a brief exit meeting to provide information on next steps in the monitoring process and to convey, if applicable, any serious safety concerns that need to resolved immediately.
- The onsite monitoring report is issued in the DC Corrective Action Tracking System (DC CATS) within 90 days of the visit with the nonpublic school expected to correct any identified noncompliance as soon as possible but in no case later than 180 days.
- Note: the timeframe for correction of noncompliance has been reduced to 180 days to ensure timely correction and adherence to COA regulations.







- A nonpublic special education school or program shall ensure that its organizational structure provides for the effective and efficient operation of the school or program, supervision of the school personnel and supervision of the students. (5-A 28 DCMR § 2823.1)
- Effective no later than school year 2011-12, each member of the **teaching staff** shall hold a teaching certification from the state or district in which the school is located, to the same level as required for teaching staff in public schools of that state or district. (5-A 28 DCMR § 2823.2)
- Related service providers, whether employed or contracted by the nonpublic special education school or program, shall be appropriately certified, licensed or registered in their professional areas in alignment with requirements from the state or district in which the school is located, to the same level as required for teaching staff in public schools of that state or district. (5-A 28 DCMR § 2823.3)

Teacher & Related Service Provider Credential Requirements: Planning for Success

- Hire qualified teaching and related service provider staff with valid and current credentials (i.e., licenses, certifications, accreditations) for the state in which the school operates.
- Actively track the credential expiration dates for teachers and related service providers to ensure timely renewal.
- Actively recruit to fill vacant related service provider positions.
- Ensure that make-up missed services plans are drafted and sent to parents and LEAs monthly for the open related service areas and once the position is filled, and that all missed services have been rendered and documented via the missed services plans.
- Ensure related services providers not appropriately credentialed are operating under the supervision and license of a fully licensed supervision and with a formal written supervision agreement per the applicable professional board in the state.
- Ensure copies of the supervision agreement and the supervisor's information are included in the SQUIRE database along with a copy of the applicable state regulations.



- Ensure that the licensed supervisors sign of IEP health-related services documentation including, but not limited to, progress notes and assessments (5-A 28 DCMR § 2834.2)
- Update staff records in SQUIRE frequently. Document and update staff records in SQUIRE, including credential, restraint certifications, background checks, dates of employment, etc.
- Correct any and all personnel qualifications noncompliance identified by OSSE as soon as possible, provide frequent updates on the status of required corrective actions to your assigned OSSE nonpublic monitor, and ensure the applicable supervision arrangements exist for related service providers.
- Ensure background and child protective services checks are conducted and documented for <u>all</u> staff.



- A nonpublic special education school or program shall maintain personnel files including, at minimum, resumes, attendance records, contracts, driver's licenses (or equivalent), and evidence of child protective service and criminal background checks. Access to personnel policies and files shall be available to OSSE upon request, for the purposes of monitoring compliance with the requirements of this chapter. (5-A 28 DCMR § 2823.4)
- All nonpublic special education schools and programs must conduct child protective service and criminal background checks on school personnel. A nonpublic special education school or program shall complete criminal background checks consistent with the District of Columbia requirements. (5-A 28 DCMR § 2823.5)





- Nonpublic schools are expected to ensure that their staff are proficient in all relevant data systems (e.g., SEDS, SQUIRE, SEATS, DC CATS, etc.) and are completing the required documentation activities in a manner that is timely, accurate, and complete per 5-A 28 DCMR § 2808.2.
- OSSE has conducted several trainings and developed technical assistance resources to assist nonpublic schools in their provision and documentation of related services.
- Resources include:
 - <u>The Basic Guide to SEDS</u>
 - <u>NP SEDS POC Role 092916.pdf</u>
 - <u>RSP Tutorial on Service Logs & Trackers in SEDS</u>
 - <u>Related services documentation webinar</u>
 - <u>Getting Started with SEDS: Related Service Provision 101</u>
 - March 2017 Nonpublic SEDS POC Webinar on ESY



Personally Identifiable Information (PII) is data that alone, or in combination, can be linked to a specific student, including but not limited to:

- Name or address of student, parent or other family members; or
- Social Security number, USI, date/place of birth, mother's maiden name.

Nonpublic schools should not send PII to OSSE over email.

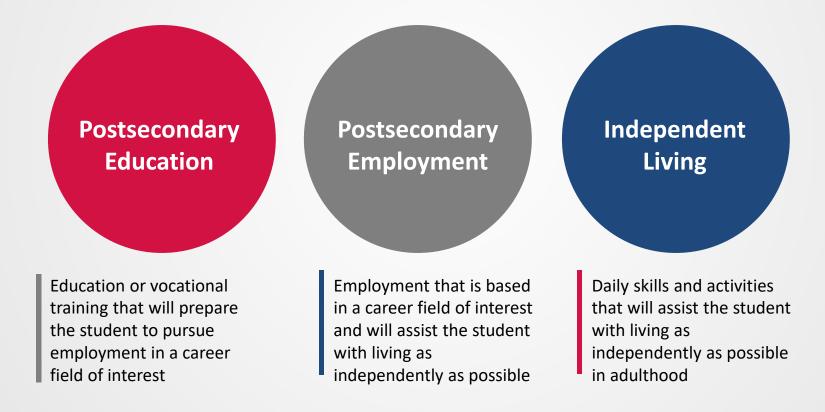
 Nonpublic schools should submit PII over secure means, such as the OSSE Support Tool or OSSE's Secure Upload Site: <u>https://account.box.com/login</u>.

Additional information on data privacy, and instructions for gaining access to and using the secure upload site: <u>https://osse.dc.gov/publication/using-secure-data-transfer-protect-student-privacy</u>.





Postsecondary Transition aims to prepare students for life after high school in three specific areas:





Postsecondary Transition refers to a coordinated set of activities for a child with a disability that is designed to be within a *results-oriented process* and that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

-34 C.F.R. §300.43 (a)



Transition Services

Beginning not later than the first IEP to be in effect when the child turns 14, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP must include:

- 1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
- 2) The transition services (including course of study) needed to assist the child in reaching those goals. (34 C.F.R. § 300.320(b))



Transition services means a coordinated set of activities for a child with a disability that—

- 1. Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and
- 2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes
 - a) Instruction;
 - b) Related services;
 - c) Community experiences;
 - d) The development of employment and other post-school adult living objectives; and
 - e) If appropriate, acquisition of daily living skills and provision of functional vocational evaluation. (34 C.F.R. §300.43 (a))



- OSSE has conducted extensive training and technical assistance in secondary transition.
- Secondary transition resources:
 - OSSE Secondary Transition Website
 - <u>Secondary Transition Toolkit</u>
 - <u>Secondary Transition Institute Resources</u>
 - <u>Secondary Transition Compliance Monitoring Tool</u>
 - <u>Nonpublic Special Education School Secondary Transition Planning</u> <u>Webinar</u>





- <u>Continuum of Special Education Services and OSSE's Placement Process</u>
 - Least Restrictive Environment Toolkit
 - Least Restrictive Environment White Paper
 - Policies and Procedures for Placement Review, Revised- Policy
 - Policies and Procedures for Placement Review, Revised- Guidance
 - Policies and Procedures for Placement Review, Revised Parent Brochure
- Incident Reporting Process
 - Incident Reporting Requirement for Nonpublic Schools- PowerPoint



The following resources provide information on nonpublic obligations:

- <u>Nonpublic School Toolkit</u> Comprehensive guide with information for nonpublic school staff, LEAs, and parents on addressing the needs of students attending nonpublic schools.
- <u>Part B Monitoring and Compliance Manual</u> Comprehensive guidance and information regarding IDEA Part B State Monitoring and Compliance System.
- <u>DC CATS</u> A web-based system for issuing monitoring and compliance reports and documenting the correction of noncompliance.
- <u>DC CATS Memo</u> OSSE guidance on the DC CATS system.
- Nonpublic School Review of Key Compliance Areas Webinar Informational webinar to review key areas of compliance in nonpublic school special education practice including restraint and seclusion implementation, documentation, and follow up; attendance and truancy notification; and related services documentation.
- <u>SEDS School-Based Training Resource Method III: Hands On Participation</u> Training resource for LEAs to enable trainees a hands on opportunity to explore SEDS using various features and functions.
- Monitoring Tools: Nonpublic School Tool Monitoring and compliance tool used by OSSE to review nonpublic school-level compliance with DCMR and IDEA regulations.
- <u>Nonpublic School Student Progress Monitoring and Special Education Compliance Tip</u> <u>Sheets</u>
 - LEA-Nonpublic School Memorandum of Agreement Webinar



- OSSE has also conducted several trainings and developed technical assistance resources to assist nonpublic schools in their provision and documentation of related services.
- Resources include:
 - <u>The Basic Guide to SEDS</u>
 - <u>NP SEDS POC Role 092916.pdf</u>
 - <u>RSP Tutorial on Service Logs & Trackers in SEDS</u>
 - <u>Related services documentation webinar</u>
 - <u>Getting Started with SEDS: Related Service Provision 101</u>
 - March 2017 Nonpublic SEDS POC Webinar on ESY





- BREAKOUT SESSIONS
 - Breakout sessions will commence in 10 minutes



Breakout Sessions Information

GROUP A	GROUP B	GROUP C
Accotink Academy	CARD Academy	District of Columbia Association of Special Education
Chelsea School	Coastal Harbor Treatment Center	MANSEF
Devereux Behavioral Health	Episcopal Center For Children	Rebuilding Independence My Style
Grafton Integrated Health Network	High Road School	All unassigned participants
Katherine Thomas School	Kennedy Krieger School Programs	
Kennedy School	Lourie Center School	
Millcreek of Arkansas	New Beginnings Vocational Program	
New Visions Academy	PHILLIPS School	
Ridge School	SHEPPARD PRATT HEALTH SYSTEM	
The Children's Guild	The Foundation School	
The Frost School	The Ivymount School	
The Lab School of Washington	The Maryland School for the Blind	
The Monroe School	The Pathways Schools	
The Village Academy of Maryland	Woods Services	

Breakout Sessions Information

GROUP A

- Please log off this webinar platform and sign in on the following platform:
 - From your computer, tablet or smartphone: <u>https://global.gotomeeting.com/join/326731413</u>
 - From your phone: +1 (224) 501-3412, Access Code: 326-731-413

GROUP B

- Please log off this webinar platform and sign in on the following platform:
 - From your computer, tablet or smartphone: https://global.gotomeeting.com/join/352560709
 - From your phone: +1 (646) 749-3122; Access Code: 352-560-709

GROUP C

• Please remain on this webinar platform.



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The Village Academy of Maryland	Woods Services	



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