

# Nuts & Bolts of Serving Students in Nonpublic Settings

Division of Systems & Supports K-12 Division of Data, Assessment, & Research Division of Transportation

November 14, 2019

#### Agenda

- Introductions
- Topic Areas Covered
  - Related Service Delivery, Missed Services, and Documentation
  - OSSE Special Education Data System (SEDS) & Nonpublic Schools
  - Transportation
  - Physical Restraint and Seclusion Ten-day IEP Meeting Follow-up Requirement





# Related Services: Delivery, Documentation & Missed Services

## Related Services Delivery and Missed Services at Nonpublic Schools

- As defined in the Individuals with Disabilities Education Act (IDEA) and Title 5, Chapter 30 of the District of Columbia Municipal Regulations (DCMR), local education agencies (LEAs) must provide related services to all eligible students with disabilities when services are required in order for a student with a disability to benefit from special education.
- The following guidance addresses questions asked by LEAs and nonpublic schools regarding related services delivery and missed services at nonpublic schools as well as practical examples.
- This guidance in no way is intended to be a restatement of the requirements of the IDEA and the DCMR in regard to related services. LEAs and nonpublic schools are responsible for knowing and implementing the requirements of IDEA and DCMR.



- Question 1: If a previous (nonpublic) school/placement was not providing related services, is the receiving nonpublic school automatically expected to make up all the missed related services?
- Answer: No. The receiving nonpublic school can elect to provide previously missed services from the student's past placement but is not required to do so. The student's LEA of enrollment is ultimately responsible for ensuring that students receive the related services on their IEPs. The LEA should work with the new nonpublic school and IEP team to determine the impact of missed related services on the student's progress towards IEP goals and in providing FAPE per their own missed related services policy, IDEA federal regulations and the OSSE Related Services Policy.



- Question & Answer 1 cont'd: If a previous (nonpublic) school/placement was not providing related services, is the receiving nonpublic school automatically expected to make up all the missed related services?
- Answer: If nonpublic schools elect to provide previously missed services, they are advised to contact the OSSE Nonpublic Payment Unit (Yvonne S. Smith at <a href="YvonneS.Smith@dc.gov">YvonneS.Smith@dc.gov</a>) for guidance on invoicing and billing procedures. 34 C.F.R. § 300.154(b)(2), 34 C.F.R. § 300.325, and 5-A 28 DCMR § 2808.4.
- At a minimum, LEAs' own missed services policy should be consistent and compliant with the OSSE Related Services policy.



- Question 2: When must a nonpublic school make up missed services (e.g., school closure, holiday, etc.)?
- Answer: Pursuant to the OSSE Related Services Policy and the OSSE Related Services Policy Guidance, missed services that occur due to a service provider absence, or unavailability to provide the service, must be made up in accordance with students' IEP. In other words, the nonpublic should ensure that a substitute is available and/or a make-up session is scheduled.
- Related service providers are advised to build flexibility into their schedules to ensure that students are not penalized simply because the providers' schedules for service delivery slot them in on days that are typically school holidays (e.g., Labor Day, Columbus Day, etc.).



- Question & Answer 2 cont'd: Related services missed due to a student's absence must be evaluated on a case-by-case basis. In order to determine whether the missed service should be made up, the IEP team should consider the impact of the student's absence on the student's progress and performance, and determine appropriate next steps to ensure the provision of FAPE and that the child continues to progress towards meeting the annual goals in the student's IEP.
- As LEAs are responsible for ensuring that related service providers (including nonpublic schools) implement and document all instances of actual and attempted service delivery, LEAs should develop their own missed services policy to clarify required procedures to demonstrate due diligence in related service delivery and documentation.



- Question & Answer 2 cont'd: Such policy must be consistent with federal IDEA requirements related to the provision of a free and appropriate public education (FAPE), and policy letters formally issued by the U.S. Department of Education, Office of Special Education Programs (OSEP), District of Columbia Municipal Regulations, and OSSE Related Services Policy and the OSSE Related Services Policy Guidance.
- Missed services policies should not establish a specific threshold or number of sessions that constitutes a denial of FAPE or triggers required makeup services. Rather, each student's IEP team must consider the impact of the missed sessions on the student on a case-by-case basis.
   OSSE Related Services Policy



Question & Answer 2 cont'd: Additional information on OSSE's
guidance on related service delivery and documentation can be found on
the OSSE website: <u>Specialized Education Policy in Practice Webinar</u>
<u>Series: Related Services Policy, RSP Tutorial on Service Logs & Trackers
in SEDS</u>, and <u>Nonpublic School Review of Key Compliance Areas</u>
<u>Webinar</u>.



- Question 3: Are nonpublic schools obligated to provide a month's worth of related services (e.g., June, December, or August) even when the school is open for significantly fewer days than the standard instructional calendar?
- Answer: A student is entitled to the full amount of the service hours listed on the student's IEP. Providing less than what is documented on the student's IEP could amount to a denial of FAPE, as determined by the student's IEP team on a case-by-case basis. LEAs, nonpublic schools, and IEP teams are ultimately responsible for ensuring that FAPE is made available to the student.



- Question & Answer 3 cont'd: To avoid a possible denial of FAPE, IEP teams are advised to review the duration and frequency of related services specified on students' IEPs to ensure they are based upon students' needs and delivered during the instructional school year. It is imperative that nonpublic schools and LEAs ensure that school calendars are accurate, current, and complete. LEAs and nonpublic schools should also be aware that while the typical review period for IEPs, including those services specified in the "Special Education and Related Services" section, is written as one year (e.g., 9/25/2018-9/24/2019), specialized instruction and related services are expected to be delivered during the school days and times that the school is open for instructional purposes. 34 C.F.R. §300.11 and 5-A 28 DCMR § 2806.
- Additional information on OSSE's guidance on related service delivery and documentation can be found on the OSSE website at <u>OSSE Related</u> <u>Services Policy</u> and <u>OSSE Related Services Policy Guidance</u>.





# OSSE Special Education Data System (SEDS) & Nonpublic Schools

- Laws, regulations, and policy regarding students placed in nonpublic schools:
  - DCMR Title 5-A, Chapter 28 Nonpublic Special Education Schools And Programs Serving Students With Disabilities Funded By The District Of Columbia And Special Education Rates
    - LEA responsibilities: 5-A 28 DCMR § 2808
  - DCMR Title 5-E, Chapter 30 Special Education
    - Public charter LEA responsibilities: 5-E 30 DCMR § 3019
  - OSSE's Policies and Procedures for Placement Review, Revised



- The LEA in which the student is enrolled and the nonpublic school at which the student is placed are both responsible for ensuring that the student has a complete and current IEP. (5-A 28 DCMR § 2808.1)
- The sending LEA shall ensure that all data required by OSSE regarding a student with a disability placed in a nonpublic school is entered into SEDS and that such data is accurate, up-to-date and complete. (5-A 28 DCMR § 2808.2)
  - This includes ensuring the student's attending school is correct in the LEA student information system.
- Pursuant to 34 C.F.R. §300.325, the sending LEA shall remain responsible for compliance with IDEA requirements for students placed at nonpublic schools. (5-A 28 DCMR § 2808.4)



- Pursuant to 34 C.F.R. §300.114 and 34 C.F.R. §300.325(c), responsibility for compliance with Part B of IDEA and local law and regulations for a child placed into a nonpublic school remains with the LEA in which the child was most recently enrolled unless and until the child's parent or guardian voluntarily re-enrolls the child into another LEA. Such responsibility includes, but is not limited to:
  - Evaluating the child,
  - Attending IEP meetings,
  - Monitoring progress,
  - Ensuring the administration of assessments,
  - Accountability as required under ESEA, and
  - Developing a plan for the child's return from the nonpublic school to the LEA Charter. (5-E 30 DCMR § 3019.9(d))



- The LEA must fully utilize, implement, and enter accurate and complete data and ensure that an accurate, complete, and up-to-date record exists in SEDS for every student enrolled in the LEA, including those placed in a nonpublic school (5-E 30 DCMR § 3019.3(f)) including:
  - Ensuring current and timely reevaluations
  - Ensuring current and timely annual review of IEPs; and
  - Ensuring timely documentation of service provision.
  - Ensure nonpublic students participate in statewide assessments (PARCC, DC Science, MSAA). (5-E 30 DCMR § 3019.3(d))



- A student with a disability placed in a nonpublic program remains enrolled in the LEA. When a child is placed in a nonpublic school, the LEA must:
  - Transition the student back to a less restrictive environment as soon as practicable;
  - Maintain the capacity to serve the child; and
  - Continue to monitor each child's academic and social-emotional progress at the nonpublic school. (5-E 30 DCMR § 3019.9)
- If a student attending a nonpublic school has not transitioned out of the nonpublic school within 120 days of the end of the school year in which the child will exceed the maximum age range for children served by a public charter LEA, the LEA shall provide written notification at least 90 days before the end of the school year to the parent of their responsibility to enroll in another LEA. (5-E 30 DCMR § 3019.9(c))



#### **Best Practices for LEA Monitoring of Nonpublic Schools**

- Reach out to nonpublic schools where LEA students are placed
- Consider developing a written agreement that clearly defines LEA and nonpublic responsibilities
- Ensure nonpublic staff have appropriate and necessary access to SEDS
- Work with the nonpublic school to schedule IEP and re-evaluation meetings
- Check that the nonpublic school has all necessary service providers to fulfill IEP responsibilities for your enrolled students attending the nonpublic
- Set monthly calendar reminders to run related services management reports (RSMR)
- Ensure that plans are in place for statewide assessments



#### **Account Management Related Service Providers**

LEA SE POCs are responsible for **protecting the privacy** of student information by controlling access to student files in SEDS.

LEA POC's should NOT create accounts for Aggregate users. Aggregate users are typically Related Service Providers that service MULTIPLE LEA's.

- Request access via the OSSE Support Tool
- OSSE will add user to your LEAs SEDS site
- LEA SPED POC will give ONLY the specific school in which user should access.
- LEA SPED POC will add provider to student caseloads.

OSSE DOES NOT SET UP CASELOADS OR PROVIDE ACCESS TO STUDENT RECORDS



#### **Account Management - Nonpublic Staff**

SEDS access for nonpublic staff requires OSSE, the nonpublic, and LEAs to work together. Key players include:

- 1. Nonpublic SEDS Point of Contact (NP SEDS POC): Each nonpublic campus has a designated POC who is responsible for:
  - Coordinating SEDS access for nonpublic staff
  - Training nonpublic staff on how to use SEDS
- 2. LEA Special Education (SE) POC: Responsible for overseeing SEDS access for any user, including nonpublic users, who serves students from that LEA. LEA SE POC directly controls which student files a user can access.
- 3. OSSE Help Desk Staff: Only the NP SEDS POC and/or the LEA SE POC can communicate with the OSSE Help Desk by using the OSSE Support Tool.



#### **Logging Related Services in SEDS**

The LEA must fully utilize, implement, and enter accurate and complete data and ensure that an accurate, complete, and up-to-date record exists in SEDS for every student enrolled in the LEA, **including those placed in a nonpublic school** (5-E 30 DCMR § 3019.3(f)) including:

- Ensuring timely documentation of service provision.
- Ensuring student receive services in accordance with their IEPs.
- Related Services as Prescribed on the IEP must be fulfilled.
- Timely documentation of Provision of Service.



#### **Steps for Logging and Verifying Services in SEDS**

When a related service provider (RSP) provides a service to a student, or attempts to provide a service, it must be documented in SEDS in the

following order:

**STEP 1:** Create service log using logging wizard (within 5 business days of each session).

**STEP 2:** Generate service tracker (LEA determines how often this is done—weekly is recommended).

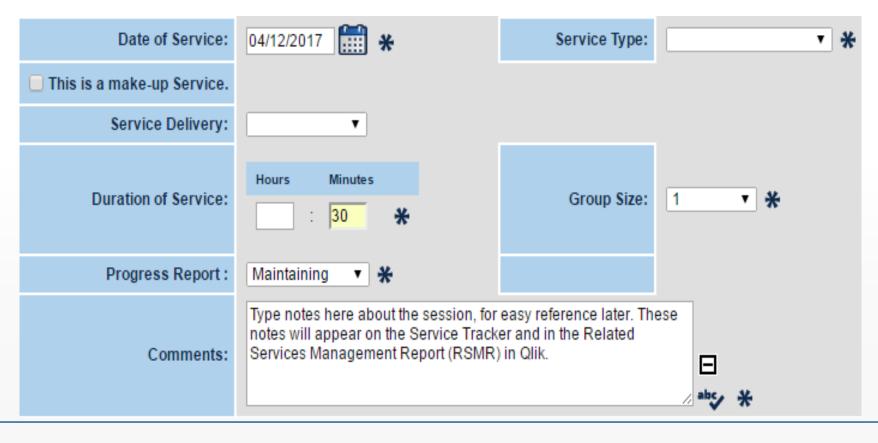
**STEP 3:** Complete progress report (at end of progress reporting period).





#### Creating a SEDS Delivered Service Log

LEA SE POCs must ensure all related service providers know how to accurately log a service in SEDS. Incorrect logs may affect service trackers, monitoring and compliance, Medicaid billing, the Related Services Management Report, etc.

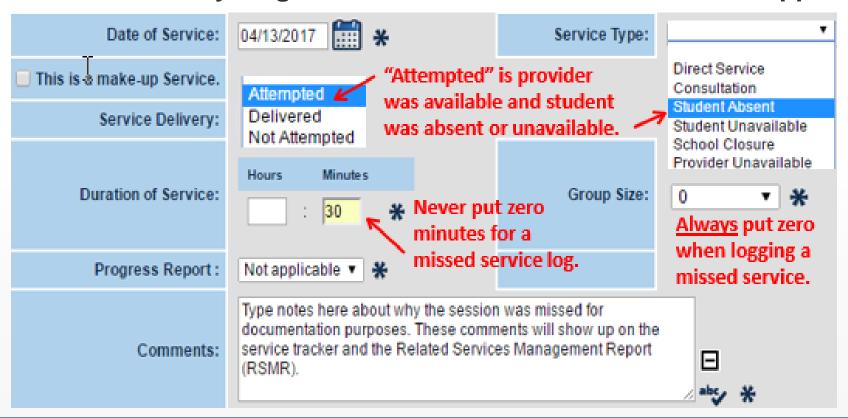




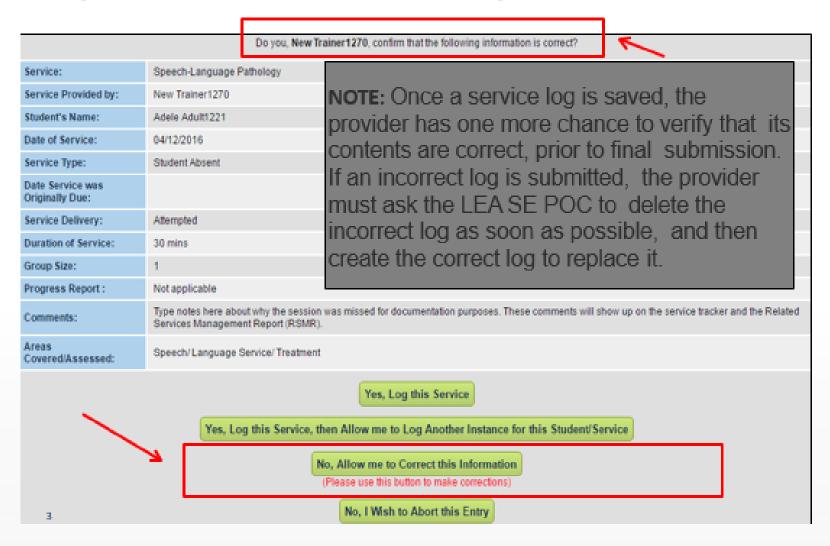
#### Creating a SEDS Missed Service Log

When a service is **scheduled**, **but is missed**, the RSP must still create a service log to reflect the missed session. An incorrect service delivery status, types, or duration will affect the service tracker, RSMR, Medicaid billing, monitoring, etc.

Never put zero minutes. Always log the minutes that were scheduled to happen.



### **Confirming a SEDS Service Log Entry**



#### **Troubleshooting Nonpublic SEDS Access**

**Scenario:** Nonpublic RSP still cannot see her students in SEDS, nor log services, even though she has a SEDS account for the LEA. **The LEA SE POC and NP SEDS POC should work together** through these steps to troubleshoot.

**Step 1**: LEA SE POC asks registrar to double check Student Information System (SIS) to ensure the nonpublic is listed as the **student's attending school campus.** 

**Step 2:** LEA SE POC updates the RSP's user profile to ensure the **nonpublic campus box** is checked under "Schools."

**Step 3:** LEA SE POC confirms and/or updates the **RSP's user type** (e.g., speech pathologist).

**Step 4:** LEA SE POC selects the appropriate "Can Provide" designations.

**Step 5:** LEA SE POC **checks current IEPs** to ensure the correct related services are prescribed.

Related Services	
Services:	Can Provide
Audiology	
Behavioral Support Services	•
Occupational Therapy	
Orientation and Mobility	



**Step 6:** Nonpublic SEDS POC, SEC, or LEA SE POC assigns students to the **RSP's caseload.** 



# Nonpublic Schools Transportation

#### **Objectives**

1. Understand the importance of accurate and on time data submission

Timely TRF and calendar submission

Accurate student data in SIS

Impact of inaccurate data



2. Understand the key supports for Parents and Families

Review parent communication

Providing support to students and families



#### **Start of School Campaign Priorities**

#### **Audience**

- LEA/School Special Education POCs
- LEA/School Transportation POCs

#### Goal

 Provide transportation to eligible students beginning on the first day of each academic year

#### How We'll Get There

- Submitting school Calendar and Program
- Updating student data (i.e. address, phone, IEPs, etc.)
- Enrolling new student
- Submitting Transportation Request form (TRF)
- Reviewing and correcting unified data errors (UDEs)







## DOT Performance: September 1-30, 2019 20 DCPS Regular School Days

Source: Quickbase, Fleet Data and Fiscal Management.

#### 4 Things Nonpublic Schools Should Know

Routing Activities depend on timely and accurate school and student data submissions Deadline for Data Submissions: **ESY** – First Monday in May (start of school requests can be submitted at the same time) **Start of School Returning Students –** First Monday in June Start of School New Students – 2 weeks prior to the Start of School Understanding Student Ride Time as it relates to student placement OSSE DOT has 10 business days to process transportation requests





# New TOTE System

#### **New TOTE System**

#### **New TOTE System Deployed**

- School Programs, Calendars and Student Transportation Request Forms should be submitted in the new TOTE system
  - Calendars entered into eSchoolPLUS will be pulled into TOTE for any schools missing calendars in TOTE
- School calendar submissions made easier
- Transportation Request Form submissions made easier
- Easy access to Transportation Rosters
- Ability to view students concerns
- Real time data reporting



#### **New TOTE System**

#### What is the Role of Nonpublic Schools?

- Enter school calendar prior to the Certification Submission Deadline
  - Did you know: LEAs cannot enter Transportation Request Forms for students if their attending school calendar is not entered
- Keep calendars up to date throughout the school year
- Identify different programs for students eligible for transportation
- Review transportation rosters for the start of the school year
  - Complete necessary follow up with student LEAs
- Partner with LEAs to ensure we have up-to-date/accurate student data





# Ways to Support LEAs and Transportation

## **Support Tips**

- Work with parents, guardians, and the LEA to update student information:
  - Contact families ahead of time to assist with the process.
    - To ensure all student information is accurate and updated
    - Review the transportation process for newly enrolled students
  - Confirm routing details for returning students and newly enrolled students prior to the first day of school.
  - Provide parents with reimbursement information for newly enrolled students without a TRF submission.



## **Support Tips**

#### Partner with LEAs

- Ensure student information is accurate and updated.
- Ensure TRFs are submitted on or before the first Monday in June for returning students.
- Ensure TRFs are submitted at least two weeks prior to the start of the school year for newly enrolled students.
- Understand and help communicate expectations when it comes to school placement and ride time





# Parent Communication

### **Parent Communication**

#### **DOT Parent Letters**

- Informs parent/guardians of routing details for students who are scheduled for school bus service.
- Informs parents/guardians of eligible students for whom OSSE has not received TRFs
  - Encourages parents to contact the school of enrollment to make sure the appropriate school-based support staff have the correct information to submit TRFs
  - Letter will be provided to parents immediately following the data submission deadline (Deadline: First Monday in June)

#### **DOT Parent Checklist**

- Provides parents key dates to be aware of in preparation for the school year
- Gives understanding of the appropriate action steps by each person or team



## **Parent Communication**

#### **DOT Postcard/Letter**

- Prior to the start of the school year DOT sends postcards to parents/guardians
- Parents will receive this information no less than one week prior to the start of school
  - Note: LEAs and Schools have access to student transportation rosters in Transportation Online Tool for Education (TOTE)
- Includes transportation details (pick up time, pick up address, attending school, drop off time(s) and drop off address, etc.





# Parent and LEA Reimbursement

## **Parent Reimbursement**

#### **Conditions for Transportation Reimbursement**

In addition to providing bus service to eligible students, OSSE will reimburse parents who transport eligible students with disabilities to and from school. Your family may qualify for reimbursement if:

- The parent or guardian has requested reimbursement and completed required forms in advance of transporting the student; or
- If a parent or guardian transported a student due to failure on the part of OSSE to provide services.
- If you meet the above qualifications and want apply for parent reimbursement, please complete the certification form below and a W-9 return to OSSE.dotfinance@dc.gov.



### **LEA Reimbursement**

### **Conditions for Transportation Reimbursement**

If an LEA at **no fault of their own** is unable to arrange transportation through OSSE DOT, the LEA may provide such transportation directly, or through its agent or contractor, and submit a request to OSSE DOT for reimbursement for transportation for up to the first 20 school days.

- TRF must be submitted
- Only for students new to the LEA
- Access not gained in time for TRF submission deadline

These requirements exist in order to support the LEA and for OSSE to verify that the student was transported to and attended school on the days reimbursement is being claimed.



## **LEA Reimbursement**

### **Certification- Preparing and Submitting**

- Certification Form
- Form W-9
- Attendance record from school
- Proof of mileage incurred
- Invoice (if applicable) and/or proof of payment
- Submission follows OSSE secure upload process (<u>Box</u>)
  - Verification emails should be sent to <a href="mailto:dot.data@dc.gov">dot.data@dc.gov</a>





# Physical Restraint and Seclusion Ten-day IEP Meeting Follow-up Requirement

# Positive Behavioral Supports and Interventions

- Pursuant to 5-A 28 DCMR § 2814.1, if the behavior of a student impedes
  the student's learning or the learning of other students, the IEP team shall
  consider the use of positive behavioral supports and other strategies to
  address that behavior in conformance with the IDEA and its implementing
  regulations (20 U.S.C. §1414(d)(3)(B)(i); 34 C.F.R. 300.324(a)(2)(i)).
  Further, if the student's behavior that impedes learning is not addressed in
  the IEP, the IEP team must review and revise the IEP to ensure that the
  student receives appropriate positive behavioral interventions and
  supports and other strategies (34 C.F.R. 300.324(a)(2)(i) and
  300.324(a)(3)(i)).
- Behavior support programs and plans used by a nonpublic special education school or program shall be based on an individual behavior intervention plan and the utilization of school-wide positive behavior intervention supports.



# **Positive Behavioral Supports and Interventions**

- Pursuant to 5-A 28 DCMR § 2814.2, all nonpublic special education schools and programs must ensure compliance with the IDEA's discipline procedures and related procedural safeguards. Any behavioral intervention strategies shall be designed to enhance the delivery of the IEP to support minimal interruption of the academic program.
- When determining whether a change in placement is appropriate for a student with a disability who violates a code of student conduct, the nonpublic special education school or program shall implement procedures consistent with the IDEA and its implementing regulations (20 U.S.C. §§1415(k)(1) and (7), 34 C.F.R. 300.530).



# **Restraint and Seclusion Follow Up**

• 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 10 school days of the incident* to consider the need for a 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 § 2820.5)



# **Non-Physical Interventions**

- What did the staff do to de-escalate the student's behavior before the restraint was implemented?
- De-escalation techniques include active listening, directive statements, proximity controls, changing the student's location, removing the audience or target, etc.

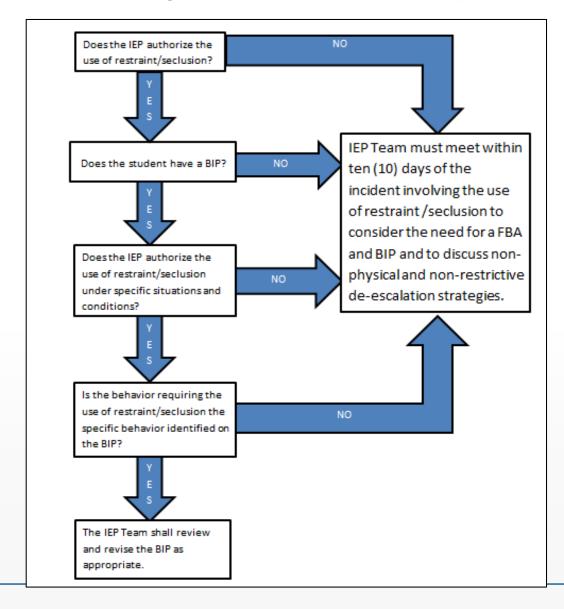


# **Holding Follow-up IEP Meeting**

- 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 10 school days of the incident to consider the need for a 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 § 2820.5)
- More detailed guidance on conducting IEP follow-up meetings after an incident involving physical restraint or seclusion interventions can be found <a href="here">here</a>.



# Flowchart for 10-Day IEP Follow-up Meeting







# Resources & Contact Information

# **Contact Information: Division of Transportation**

For additional assistance, please reach out to

- OSSE DOT TOTE Support Team (202) 576-5520
- OSSE DOT Resource Center (202) 576-5000

Or visit

https://osse.dc.gov/service/student-transportation



## **Contact Information: Division of Data, Assessment & Research**

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