



OSSE Nonpublic Monitoring Tool SY2015-16

Cluster Area for Compliance Summary Report	Item Number	Legal Reference	Item/Response Criteria	Corrective Action
District of Columbia Standards of Learning	1 Nonpublic Teaches To Common Core State Standards	34 CFR §300.146, 5 DCMR §A-2805.2	<p>Does the nonpublic school teach in accordance with Common Core State Standards and any other D.C. learning standards?</p> <p>Yes = The nonpublic school provided data which demonstrates that the school teaches in accordance with Common Core State Standards.</p> <p>No = The nonpublic school did NOT provide data which demonstrates that the school teaches in accordance with Common Core State Standards.</p> <p>N/A = The nonpublic school is located in a state not requiring Common Core State Standards, does not currently serve District of Columbia students, BUT has a plan to provide instruction to District of Columbia that aligns to the Common Core State Standards.</p>	Nonpublic school must align its curriculum with the Common Core State Standards in consultation with the District of Columbia students' LEAs.
District of Columbia Standards of Learning	2 Nonpublic Administers Statewide Assessment	34 CFR §300.160, 5 DCMR §A-2812.1	<p>Does the nonpublic school administer the DC Statewide assessment or an alternate assessment?</p> <p>Yes = The nonpublic school provides data which demonstrate that the school cooperates with LEAs and OSSE to ensure that the District of Columbia students participate in the DC Statewide assessment or an alternate assessment.</p> <p>No = The nonpublic school does NOT provide data which demonstrate that the school cooperates with LEAs and OSSE to ensure that District of Columbia students participate in the DC Statewide assessment or an</p>	Nonpublic school must submit documentation that demonstrates that the LEAs and nonpublic school have communicated regarding the students scheduled to participate in the exam and the plan for administering the exam.

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			<p>alternate assessment.</p> <p>N/A = The nonpublic school does not currently have any students who are grade eligible for taking the assessment.</p>	
District of Columbia Standards of Learning	3 Nonpublic School Year Calendar	<p>5 DCMR §§ A-2806, 2848.3</p>	<p>Does the nonpublic school have a school year with a minimum of 180 regular instructional school days and the number of instructional hours meets the six-hour minimum per day?</p> <p>Yes = A review of the school calendar and other relevant information shows that the school year includes a minimum of 180 regular instructional school days, exclusive of any extended school year period; and the number of instructional hours over the course of the school calendar meets six hour minimum per day.</p> <p>No = A review of the school calendar and other relevant information shows that the school year does not include a minimum of 180 regular instructional school days, exclusive of any extended school year period; or the number of instructional hours over the course of the school calendar is less than six hours per day.</p> <p>N/A = The school only operates a prekindergarten program or other alternative program approved by OSSE.</p>	<p>The nonpublic school must amend its school calendar to provide a minimum of 180 regular instructional school days and an average of six hours per day of instruction over the course of the school calendar.</p>

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Discipline	4 Restraint and/or Seclusion Incident Reports contain required elements	5 DCMR §A-2820	<p>Does the written incident report used by the nonpublic school¹ contain fields for following elements:</p> <ol style="list-style-type: none"> a. The student’s name; b. The date of the incident; c. The beginning and ending times of the incident, and the 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. <p>Yes = The nonpublic school’s restraint or seclusion written incident report forms includes the elements listed above.</p> <p>No = The nonpublic school’s restraint or seclusion</p>	The nonpublic must revise its incident report form for seclusions/restraints so that it provides fields for all required elements.

¹ For the remaining items, the term nonpublic school includes to any building or grounds where District of Columbia students would access while attending the program (e.g., school building, residences, recreation building, etc.). For residential programs, this includes but is not limited to academic programs, student residences, recreational activities, and therapeutic milieu program.

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			<p>written incident report does not include all required elements as listed above.</p> <p>N/A = The nonpublic does not utilize seclusion OR restraint, and therefore has no written incident form for seclusion or restraint.</p>	
Discipline	5 Written seclusion/restraint incident report uploaded to student's permanent record	5 DCMR §A-2820.3	<p>Were written incident reports placed in the files within twenty-four (24) hours of the incident?</p> <p>Yes = The file contains evidence that written seclusion or restraint incident reports are placed in students' permanent files within 24 hours of the incident.</p> <p>No = There is no evidence that written seclusion or restraint incident reports are placed in students' files within 24 hours of the incident.</p> <p>N/A = There were no seclusion incident reports for District of Columbia students within the past year.</p>	The nonpublic school must upload all existing incident reports to students' records AND revise its policies and practices to ensure that written incident reports are placed in the student's permanent file as required by District regulation (i.e., within 24 hours).

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Discipline	6 Written restraint/seclusion incident report sent to parent/LEA	5 DCMR §A-2820.4	<p>Were written incident reports sent within one (1) business day of incidents to the student’s parent(s), the sending LEA and any other District of Columbia agency involved in the student’s placement?</p> <p>Yes = The files contain evidence that written incident reports were sent to the students’ parents and the sending LEA or any other District of Columbia agency involved in the student’s placement within one business day of the incident.</p> <p>No = The files do NOT contain evidence that written incident reports were sent to the students’ parents and the sending LEA or any other District of Columbia agency involved in the student’s placement within one business day of the incident.</p> <p>N/A = There were no written incident reports for District of Columbia students within the past year.</p>	The nonpublic school must revise its policies and practices to ensure that written incident reports are sent to parent(s), LEAs, and other agencies as required by District regulation. The nonpublic school must upload evidence of written notification to students’ records.

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Discipline	7 Need for FBA, BIP and De-escalation Strategies Discussed Within 10 Days	5 DCMR §A-2820.5	<p>Did the IEP team meet within 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? Alternatively, if the student has a BIP in place, did the IEP team review and revise as appropriate?</p> <p>Yes = There is evidence that the IEP team met within 10 school days of restraint or seclusion incidents pertaining to student(s)' behavior.</p> <p>No = There is NO evidence that the IEP team met within 10 school days of restraint or seclusion incidents pertaining to student(s)' behavior.</p> <p>N/A = If the student's IEP authorizes the use of restraint and/or seclusion and a BIP has been created.</p>	<p>For those students identified, the IEP team must meet or demonstrate that they have subsequently met to consider the need for an FBA and BIP and to discuss non-physical and non-restrictive de-escalation strategies. Or, if the identified students have BIPs in place, the IEP team must review and revise the BIP as appropriate.</p> <p>The nonpublic school and LEA must convene IEP team meetings and determine whether students require an FBA and BIP and discuss de-escalation strategies.</p> <p>The nonpublic school must revise its policies and practices to ensure that IEP teams convene within 10 schools days of an incident involving the use of restraint or seclusion to determine whether students require FBAs and BIPs (or modification of existing BIPs) and to discuss de-escalation strategies per the statutory regulation.</p> <p>Once the policies and practices have been developed or revised, the nonpublic school must submit evidence that the revised policies are being consistently implemented in practice.</p>

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Discipline	School Utilized Seclusion Interventions with Students		<p>Does the facility employ seclusion?</p> <p>Yes = Information obtained indicates that the facility utilizes seclusion on any portion of its student body.</p> <p>No = All information obtained indicates that the facility does not utilize seclusion on any portion of its student body.</p>	
Discipline	8 Use of Seclusion	5 DCMR §A-2819.3 – A-2819.5	<p>Do the nonpublic school’s policies and procedures for the use of seclusion comply with District regulations?</p> <p>Yes = Seclusion is only used in “emergency” circumstances as defined by 5 DCMR §A-2816.1 AND:</p> <ul style="list-style-type: none"> a. Nonpublic staff constantly view and remain within sight of the student at all times while in seclusion; b. Nonpublic staff provide the student with an explanation of the behavior that resulted in the seclusion and instructions on the behavior required to be released from seclusion c. Seclusion is only implemented by individuals trained and certified to implement seclusion d. Nonpublic staff continues to monitor the student in seclusion and speak with the student every 10 minutes. e. At the 30-minute mark, a Director, Head of Special Education, or other senior personnel shall personally observe the student to assess the need for continued seclusion. f. Seclusion at the facility does not last longer than 	<p>The nonpublic school must revise its policies and procedures to ensure that seclusion is only used in emergency situations and that the policies and procedures comply with all District of Columbia regulations concerning the use of seclusion.</p> <p>Use of seclusion outside of emergency situations, and/or having policies that permit use of seclusion outside of emergency situations is grounds for denying or revoking a Certificate of Approval.</p>

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			<p style="text-align: center;">1 hour.</p> <p>No = Any one of the conditions defined in “yes” above are not met.</p>	
Discipline	9 Use of Seclusion	5 DCMR §A-2819	<p>Do the nonpublic school’s practices for the use of seclusion comply with District regulations?</p> <p>Yes = The nonpublic school’s practices for the use of seclusion, as demonstrated through staff interviews, incident report(s), or OSSE observation, comply with 5 DCMR §A-2819.</p> <p>No = The nonpublic school’s practices for the use of seclusion, as demonstrated through staff interviews, incident report(s), or OSSE observation, do NOT comply with 5 DCMR §A-2819.</p> <p>N/A = There was not sufficient amount of information available to determine (non)compliance with 5 DCMR §A-2819 (i.e., seclusion is rarely utilized so staff is unfamiliar with the practice and/or there are no recent incident reports for DC students where seclusion was utilized).</p>	<p>The nonpublic school must immediately cease seclusion of District of Columbia students in the ways identified as noncompliant. The nonpublic school must determine the cause of the noncompliance, devise an appropriate corrective action plan to address the issue and have the plan approved by OSSE. The nonpublic school must demonstrate implementation of the approved corrective action plan.</p> <p>Additionally, the nonpublic school must consult with OSSE to determine if additional corrective actions are needed.</p> <p>Use of seclusion outside of emergency circumstances, and/or having policies that permit use of seclusion outside of emergency circumstances is grounds for denying or revoking a Certificate of Approval.</p>

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Discipline	10 Seclusion Space Meets Regulatory Requirements	5 DCMR §A-2819.2	<p>Are all of the spaces used for seclusion free of objects and fixtures with which student(s) could self-inflict bodily harm, provides school personnel an adequate view of student(s) from an adjacent area, and provides adequate lighting, ventilation and appropriate temperature controls?</p> <p>Yes = Inspection of a space used for seclusion demonstrates that the space meets these regulatory requirements.</p> <p>No = Inspection of a space used for seclusion demonstrates that the space does NOT meet these regulatory requirements.</p>	<p>The nonpublic school must make adjustments to the space used for seclusion To meet regulatory requirements.</p> <p>Use of seclusion outside of emergency situations, and/or having policies that permit use of seclusion outside of emergency situations is grounds for denying or revoking a Certificate of Approval.</p>
Discipline	11 Seclusion Space Meets Requirements for Locking Mechanisms	5 DCMR §A-2819.6	<p>If the space used for seclusion has a locking mechanism, does it only engage when it is held in position by a person, or if electronically engaged, does it automatically release if the building's fire alarm system is activated?</p> <p>Yes = Inspection of a space used for seclusion demonstrates that the space meets the regulatory requirements.</p> <p>No = Inspection of a space used for seclusion demonstrates that the space does NOT meet the regulatory requirements.</p> <p>N/A = The space does not have a locking mechanism.</p>	<p>The nonpublic school must make adjustments to the space used for seclusion to meet regulatory requirements.</p> <p>Use of seclusion outside of emergency situations, and/or having policies that permit use of seclusion outside of emergency situations is grounds for denying or revoking a Certificate of Approval.</p>

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Discipline	Nonpublic Utilizes Restraint Interventions		<p>Does the facility use restraint intervention?</p> <p>Yes = Information obtained indicates that the facility utilizes restraint on any portion of its student body.</p> <p>No = Information obtained indicates that the facility does not utilize restraint intervention on any portion of its student body.</p>	
Discipline	12 Restraint Certifications	5 DCMR §A-2816.2	<p>Does the nonpublic maintain certifications on file for all staff members performing restraint?</p> <p>Yes = Individuals performing restraints maintain appropriate certification.</p> <p>No = Individuals performing restraint are not appropriately certified.</p>	The nonpublic must ensure that all staff members who apply physical restraints hold the required certification.
Discipline	13 Use of Mechanical Restraint	5 DCMR §A-2817	<p>Does the nonpublic school comply with the District’s prohibition on the use of mechanical restraint for DC student(s)?</p> <p>Yes = There is evidence that the nonpublic school complies with the District’s prohibition of the use of mechanical restraint in incident reports, school policies, or interviews.</p> <p>No = There is evidence that the nonpublic school has used mechanical restraint in incident reports, have school policies that permit, or interviews of staff indicate use of mechanical restraint.</p>	<p>The nonpublic school must immediately cease the use of mechanical restraint on any District of Columbia student.</p> <p>The nonpublic school must revise its policies and procedures to ensure that mechanical restraints are not employed on District of Columbia students. Additionally, the nonpublic school must ensure that all staff are trained on the revised policies and procedures to ensure that mechanical restraint are not employed on District of Columbia students.</p> <p>Use of mechanical restraints, and/or having</p>

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				policies that permit use of mechanical restraints is grounds for denying or revoking a Certificate of Approval.
Discipline	14 Use of Prone Restraint	5 DCMR §A-2818	<p>Does the nonpublic school comply with the District’s prohibition on the use of any form of prone restraint on District of Columbia student(s)?</p> <p>Yes = There is no evidence of the use of prone restraint in incident reports, school policies, or interviews.</p> <p>No = There is evidence of the use of prone restraints in incident reports, school policies, or interviews.</p>	<p>The nonpublic school must immediately cease the use of prone restraint on any District of Columbia student. The nonpublic school must revise its policies and procedures to ensure that prone restraints are not employed on District of Columbia students. Additionally, the nonpublic school must ensure that all staff are trained on the revised policies and procedures to ensure that prone restraints are not employed on District of Columbia students.</p> <p>Use of prone restraints, and/or having policies that permit use of prone restraints is grounds for denying or revoking a Certificate of Approval.</p>
Discipline	15 Chemical Restraints Conform to Medical Plan	5 DCMR §A - 2816.8	<p>If the nonpublic uses chemical restraints,, are they employed only to student(s) if ordered by a physician, determined to be medically necessary, and administered in conformance with student(s)’ medical treatment plans.</p> <p>Yes = There is evidence through staff interviews, policies, or in students(s) file(s) that when needed, chemical restraints have been employed AND these restraints were ordered by a physician, determined to be medically necessary, and were administered in conformance with the student(s) medical treatment plan.</p>	<p>The nonpublic must revise its policies and practices to ensure that chemical restraint policies and practices are consistent with District regulation. Prohibit chemical restraint for student(s) unless and until it is administered consistent with District regulation.</p>

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			<p>No = There is evidence through staff interviews, policies, or in student(s)' file(s) that chemical restraints have been employed AND these restraints were NOT ordered by a physician, NOT determined to be medically necessary, or NOT administered in conformance with students(s)' medical treatment plans.</p> <p>N/A = The facility does not utilize chemical restraints and/or chemical restraints have not been utilized with District of Columbia student(s).</p>	
Discipline	16 Use of Physical Restraint Interventions Included in Students' IEPs	5 DCMR §A-2816.1	<p>Was physical restraint employed with District of Columbia students only where the use of restraint was included student(s)' IEPs or the intervention was necessary to protect student(s) or other persons from imminent, serious physical harm?</p> <p>Yes = There is evidence on the incident report that the intervention was necessary to protect students or other persons from imminent, serious physical harm OR the use of physical restraint is included on students' IEPs.</p> <p>No = There is NO evidence on the incident report that the intervention was necessary to protect students or other persons from imminent, serious physical harm OR the use of physical restraint is not included on students' IEPs.</p> <p>N/A = While the facility does utilize physical restraint, no restraints have been performed on DC students during the period of review</p>	The nonpublic school must revise its policies and practices to ensure physical restraint is only permitted where it is necessary to protect individuals from imminent, serious physical harm for student(s) or is included in students IEPs. Additionally, the nonpublic school must ensure that all staff are trained on the appropriate use of emergency physical interventions and on the use de-escalation and nonphysical, less intrusive interventions.
Staff	17 Teacher	5	Are the nonpublic school's teachers appropriately	The nonpublic school must provide proof of

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Qualifications	Certification	DCMR §A-2823.2	<p>certified (i.e., each member of the teaching staff holds 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)?</p> <p>Yes = The nonpublic school provided proof of teaching certification for each teaching staff member consistent with the requirements of the DCMR.</p> <p>No = The nonpublic school did not provide proof of teaching certification for each teaching staff member consistent with the requirements of the DCMR.</p>	teaching certification for all teaching staff members consistent with the requirement of the DCMR.
Staff Qualifications	18 Related Service Provider Certification/ License	5 DCMR §A-2823.3	<p>Are related service providers, whether employed or contracted by the nonpublic special education school or program, 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?</p> <p>Yes = The nonpublic school provided proof of certification or licensure for each related service provider consistent with the regulatory requirements.</p> <p>No = The nonpublic school did not provide proof of certification or licensure for each related service provider consistent with the regulatory requirements.</p>	The nonpublic school must provide proof of certification or licensure for each related service provider consistent with the regulatory requirement.

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Provision of Related Services	19 Implementation of Related Services	§300.323(c)(2)	<p>Does the nonpublic school provide related services in accordance with students' IEPs?</p> <p>Yes = Upon review of a sample of student files, it was determined that related services are provided in accordance with student IEPs and appropriately recorded in SEDS.</p> <p>No = Upon review of a sample of student files, it was determined that related services are NOT provided in accordance with student IEPs or are not appropriately recorded in SEDS.</p> <p>N/A = The nonpublic facility does not have any DC students with related services listed on their IEP.</p>	<p>If the nonpublic school provided the services but did not appropriately record them in SEDS, the nonpublic must provide evidence that the missing services have since been properly recorded in SEDS. The nonpublic school must also review and revise its policies and procedures for logging related services in SEDS.</p> <p>If the nonpublic did not provide the services, then the nonpublic must provide evidence that the services have since been made up or provide a plan to make up these services.</p> <p>Once the policies and practices have been developed or revised, the nonpublic school must submit evidence that the revised policies are being consistently implemented in practice</p>
IEP (Individualized Education Program)	20 Student Progress Reports	5 DCMR § A- 2808.9	<p>Does the nonpublic school produce written reports on student(s) progress toward annual IEP goals and provide these reports to the LEA and parent on at least a quarterly basis?</p> <p>Yes = There are at least quarterly progress reports in student(s) file(s).</p> <p>No = There is no evidence of progress reports completed on at least a quarterly basis in student(s) file(s).</p>	<p>The nonpublic school must revise its policies and practices to ensure that student progress reports are produced and sent to the LEA and parent on at least a quarterly basis.</p>
Truancy	LEA Notification of Truancy		<p>Student(s) files have evidence of unexcused absences requiring LEA notification.</p> <p><input type="radio"/> Yes, student(s) have accrued 5 or more unexcused</p>	

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			<p>absences within a marking period or similar timeframe.</p> <p><input type="radio"/> Yes, student(s) have accrued 10 or more unexcused absences within the school year.</p> <p>New Button: Students fit into both categories.</p> <p><input type="radio"/> No student(s) fit into either category above.</p>	
Truancy	21 Nonpublic School Notifies LEA Within 2 School Days of 5 Unexcused Absences	5 DCMR §A-2821.8	<p>The nonpublic school notifies the sending LEA in writing within 2 instructional school days after the accrual of 5 unexcused absences in a marking period by any student.</p> <p>Yes = There is evidence that the nonpublic school notified the sending LEA in writing within 2 instructional schools days for all student(s) that have accrued at least 5 unexcused absences within a marking period.</p> <p>No = There is NO evidence that the nonpublic school notified the sending LEA in writing within 2 instructional schools days for student(s) that have accrued at least 5 unexcused absences within a marking period.</p>	The nonpublic must revise its policies and practices to ensure sending LEAs are notified within 2 instructional school days when student(s) accrue at least 5 unexcused absences within a marking period.
Truancy	22 Nonpublic School Notifies LEA Within 2 School Days of 10 Unexcused Absences	5 DCMR §A-2821.9	<p>The nonpublic school notifies the sending LEA in writing within 2 instructional school days after the accrual of 10 unexcused absences during the period under review.</p> <p>Yes = There is evidence that the nonpublic school notified the sending LEA in writing within 2 instructional school days for all student(s) that have accrued at least 10 unexcused absences within the school year.</p>	<p>The nonpublic must revise its policies and practices to ensure sending LEAs are notified within 2 instructional school days when student(s) accrue at least 10 unexcused absences within the school year.</p> <p>NOTE: “period under review: is defined as, for NPs visited between August and December, monitors will review the attendance records</p>

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			<p>No = There is no evidence that the nonpublic school notified the sending LEA in writing within 2 instructional school days for student(s) that have accrued at least 10 unexcused absences within the school year.</p>	<p>for the previous school year. For NPs visited between January and June, monitors will review attendance records for the current school year.</p>