Nonpublic School Toolkit

A Resource for Local Educational Agencies

And

Nonpublic Schools and Programs

August 2013

OSSE

Office of the State Superintendent of Education

Division of Specialized Education

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District of Columbia Office of the State Superintendent of Education

Division of Specialized Education

Nonpublic School Toolkit

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INTRODUCTION

OSSE *Vision*

All District residents receive an excellent education.

OSSE Division of Specialized Education *Mission*

The Division of Specialized Education's mission is to ensure that all District of Columbia children and youth with developmental delays and disabilities can access high quality services and a free appropriate public education. The Division is committed to excellence, joint accountability, reflective practice, and continuous improvement.

The ***District of Columbia Nonpublic School Toolkit*** is a comprehensive guide which contains information to assist educators in effectively addressing the needs of students enrolled and enrolling in nonpublic schools or transitioning to a less restrictive environment from a nonpublic school. This guide was developed using Federal and District of Columbia policies, procedures and regulations.

The information contained in this toolkit should serve as a primary reference for local education agencies and nonpublic schools to access information on the relevant stakeholders and expected processes necessary to ensure that District of Columbia students enrolled at nonpublic schools receive safe, supportive, and high-quality special education services.

Additionally, parents are encouraged to familiarize themselves with the information contained in this toolkit to obtain an overview of the processes and agencies responsible for delivering special education services to their child. We have included visual cues designed to highlight useful information for parents to enable them to serve as an active and informed advocate for their child's education. The following symbol represents key information that parents should review:

While this guide is intended to help educators understand and apply best practices; this guide **is not meant to:**

- Be a complete explanation of all special education laws and regulations;
- Give legal advice; or
- Supersede any local and/or federal law.

We hope that you find this toolkit useful and welcome your feedback.

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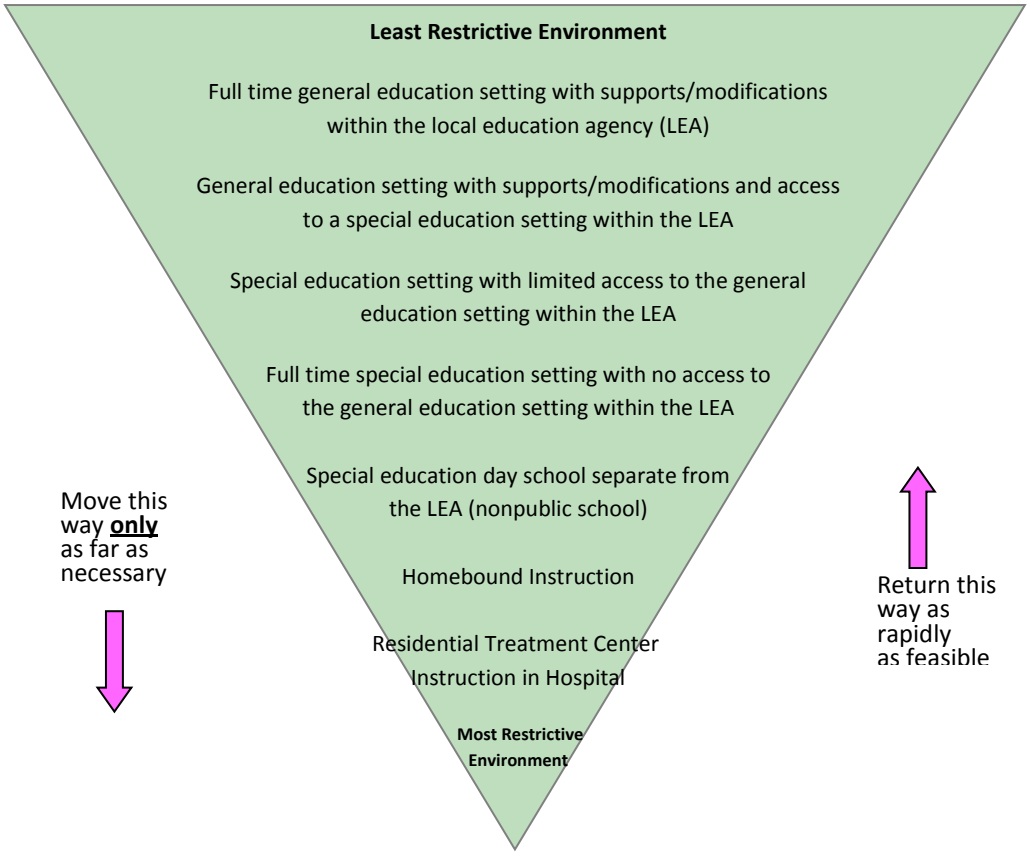
I. Background and Overview

The purpose of the Office of the State Superintendent's (OSSE's) Nonpublic School Toolkit is to provide local education agencies, nonpublic schools and programs, and parents information on essential special education program operations, academic performance expectations, relevant District of Columbia regulations and clarify special education stakeholders' roles and responsibilities in supporting and ensuring that District of Columbia students placed in nonpublic settings are best positioned for successful and productive lives.

The Federal law pertaining to special education, the Individuals with Disabilities Education Act (IDEA), was written with the goal of ensuring that students with disabilities be included in, and have access to, public education to the same degree as their non-disabled peers. IDEA requires that each student with a disability requiring special education be educated in the least restrictive environment (LRE) appropriate to meet his or her unique needs, based on individualized assessment and program planning. For example, a suitable placement for one child may be in a general education classroom, with modification and supports, while for another child, more extensive supports may be needed, such as a self-contained special education classroom or nonpublic school setting.[1]



[1] A nonpublic school is defined as a privately owned or operated school that maintains or conducts classes for the purposes of offering instruction to students with disabilities.

Another way of explaining LRE is through the use of the term ***placement***. The removal of a student with a disability from the general education environment via placement into a separate class or school should only occur if the nature or severity of the disability is such that education in the general education environment cannot be achieved satisfactorily. In all cases, the individualized education program (IEP) team is responsible for determining the environment best suited for the student.

Placement vs. Location Assignment

It is important to distinguish between placement and location assignment, as these are two interrelated concepts that can be confusing. A child's "placement" is the programmatic design (level and types of services and supports) that the IEP team believes is necessary for the child to receive education. The "location assignment" refers to the physical location in which the child's program will be delivered.

Three case studies will further illustrate the concept.

Case Study 1:

James is currently attending Riverhouse, a nonpublic school, and James is enrolled in First Street Public Charter School (his LEA). First Street PCS added a self-contained special education classroom. This self-contained special education classroom offers the same level of services and supports (the same *placement*) as Riverhouse. The IEP team convenes and reassigns James to the new special education classroom at First Street PCS (*location*).

Case Study 2:

Sarah is currently attending Riverhouse, a nonpublic school. She is enrolled in First Street Public Charter School (her LEA), which serves grades K-5. Sarah is promoted to the 6th grade at the end of the school year by Riverhouse. However, Sarah's parents must enroll her into a new LEA since First Street PCS does not serve students in the 6th grade. Sarah's parents enroll her at J.B. Carter PCS, an LEA that serves grades 6-12, but does not offer the level of special education services and supports that Sarah currently receives. Once enrolled at the new LEA, the IEP team, led by J.B. Carter PCS, convenes to determine if J.B. Carter PCS offers the appropriate services and supports to serve Sarah. IEP team is determining if the *placement* (level services and supports) as well as the *location* (physical location) are appropriate. The IEP team decides that Riverhouse is an appropriate placement and location for Sarah.

Case Study 3:

Aaron is currently attending Riverhouse, a nonpublic school, which serves grades K-8. He is enrolled in J.B. Carter PCS (his LEA), which serves grades 6-12, but does not offer the level of

special education services and supports he needs as determined by his IEP team. Aaron is promoted to the 9th grade at the end of the school year. Since Riverhouse does not serve students in the 9th grade, Aaron's IEP team, along with OSSE must convene to determine the *location* of special education services. The IEP team and OSSE determine that Melrose School, a nonpublic school that serves grades 7-12 and offers the same level of services and supports as Riverhouse, is an appropriate location for Aaron.

II. Roles and Responsibilities in the Placement Process

A. The Role of Parents

Parents of students with a disability are encouraged to actively participate in all aspects of the IEP planning and implementation process. There are several important ways that parent input and participation are crucial. Parents:

- Provide input about their child's academic performance and social functioning;
- Share information related to helping the IEP team determine an appropriate program;
- Contribute to the development of their child's IEP;
- Review their child's academic and behavioral progress reports frequently; and
- Hold IEP teams accountable for delivering all components of the IEP, including, as appropriate, planning for their child's return to a less restrictive environment and secondary transition planning.

B. The Role of the LEA

Local education agencies (LEAs) are responsible for ensuring that children are placed into the appropriate program, which can be located in a nonpublic school. Placement decisions are made through the IEP team process, and LEAs must facilitate and actively participate in all IEP meetings and monitor students' academic and social-emotional progress. Additionally, LEAs are responsible for ensuring that all student-level data contained in the District of Columbia's Special Education Data System (SEDS) is accurate, complete, and timely. LEAs are encouraged to work closely with nonpublic school staff to ensure timely completion of all required IEP documentation, adherence to federal and District special education regulations and active participation by all IEP team members, including students and parents. Finally, LEAs are responsible for correcting noncompliance.

C. The Role of the Nonpublic School Program

Nonpublic schools are responsible for providing District students placed in their programs with high quality special education services in a manner consistent with federal and District special education regulations, providing frequent and regular updates on students' academic and

social-emotional progress toward educational and related service goals, and participating in DC-CAS standardized testing. Nonpublic schools are also responsible for ensuring that their portion of student-level data contained in SEDS is accurate, complete, and timely. Nonpublic schools are encouraged to work closely with LEA progress monitors to ensure timely completion of all required IEP documentation, adherence to federal and District special education regulations, and active participation by all IEP team members, including students and parents. Nonpublic schools or programs are responsible for maintaining a full certificate of approval (COA), submitting data as per OSSE annual data requests (as well as any other periodic data requests from the LEA or OSSE), along with undergoing an on-site visit once during the validity of their COA and more often if deemed necessary.

D. The Role of the Office of the State Superintendent of Education (OSSE) – Division of Specialized Education

OSSE's Division of Specialized Education (DSE) is responsible for:

- Developing and promulgating state policy governing special education;
- Monitoring LEAs and nonpublic schools for compliance with IDEA as well as other federal and local regulations and court-ordered consent decrees;
- Allocating and administering IDEA grant funds to LEAs and other public agencies;
- Facilitating state level training and technical assistance to LEAs; and
- Investigating state complaints relating to special education.

The Division of Specialized Education is comprised of nine units, each responsible for contributing to the regulation and support of nonpublic placements under local statutes.

i. Data Verification Unit (DVU)

This unit is responsible for designing and maintaining compliant data systems to support LEA and nonpublic data collection, reporting, and analysis to inform program improvements.

ii. Fiscal Policy and Grants Management Unit (FPGM)

This unit is responsible for developing and implementing IDEA Part B and C-specific fiscal grant policies and procedures; developing and managing the application process and allocation of flow-through grant funds to IDEA sub-recipients; resolving past A-133 audit findings; and developing and managing the DSE's local and federal funds.

iii. IDEA Part C – Early Intervention Unit (DC EIP)

This unit is responsible for the implementation and oversight of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families.

iv. Medicaid Recovery Unit (MRU)

This unit is responsible for interagency coordination to facilitate Medicaid claiming for allowable services provided to District of Columbia children.

v. Monitoring and Compliance/Quality Assurance Unit (QAM)

This unit is responsible for implementing and managing a comprehensive system of general supervision, including monitoring and correction of identified non-compliance with programmatic and fiscal requirements of IDEA among LEAs, public agencies, and nonpublic day and residential facilities that provide special education services to District children.

vi. Nonpublic Payment Unit (NPU)

This unit is responsible for ensuring compliance with vendor payment mandates covering all non-public day and residential schools and related service providers.

vii. Placement Oversight Unit (POU)

This unit is responsible for developing and administering procedures to ensure that students are educated in the least restrictive environment appropriate to meet their needs, and coordinating location assignments in nonpublic schools.

viii. Policy Unit (POL)

This unit is responsible for developing and revising special education policies and regulations and providing guidance to support effective implementation.

ix. Training and Technical Assistance Unit (TTA)

This unit is responsible for providing training and technical assistance to local educational agencies and other public agencies serving students with disabilities, to ensure staff of those agencies are equipped to meet the needs of students and ensure compliance with all aspects of IDEA.

E. The Role of Other District of Columbia Agencies

The Child and Family Services Administration (CFSA) is responsible for providing children placed in its care with food, shelter, education and ordinary medical care.[2]

The Department of Youth Rehabilitative Services (DYRS) is similarly responsible for providing committed youth with food, shelter, education and ordinary medical care.[3] On November 20,

[2] *See* D.C. Code § 16-2320(a)(3) and §16-2301 (21)(C).

[3] *See* D.C. Code § 16-2320(c)(2) and §16-2301 (21)(C); *see also* §2-1515.01 (5)(A).

2012, OSSE, DYRS, and DCPS entered into a MOA to ensure the provision of FAPE for students with IEPs who were committed to DYRS. For more information regarding this MOAs, please review the agreement available at http://osse.dc.gov/publication/osse-dyrs-moa.

Check for Understanding:

- What is the role of the LEA?
- What is the role of the nonpublic school?

III. Maintaining Compliance with the Individuals with Disabilities Education Act (IDEA)

Once a student is placed into a nonpublic school, clarity of roles and responsibilities between the LEA of enrollment and the receiving nonpublic school is essential to ensuring the delivery of a high quality program designed to meet student needs.

A. Evaluation and IEP Implementation Requirements

The LEA of enrollment remains responsible for all aspects of IDEA compliance and the provision of FAPE in the LRE. The LEA of enrollment must convene all IEP meetings, eligibility meetings, and any other meeting necessary to ensure timely and appropriate delivery of services to the student. While the LEA may, at its discretion, delegate the authority to convene meetings to the receiving nonpublic school, it must ensure representation from the LEA at all meetings.

The receiving nonpublic school must ensure full implementation of the IEP by qualified professionals. The nonpublic school must also ensure full participation by relevant staff serving the student, as requested by the LEA of enrollment, in any required meetings that must occur while the student is being served by the program.

If, at any point, it is determined that a student in a nonpublic school requires an updated assessment as part of the reevaluation process, the nonpublic school shall assist the LEA in completing the required assessment.

Check for Understanding:

- Who is responsible for all aspects of IDEA compliance?
- Who must attend meetings regarding timely delivery of services to the student?

B. Attendance and Truancy

The LEA of enrollment is responsible for all related data collection and reporting regarding the student throughout the duration of the student's attendance in the program. The LEA of

enrollment should regularly review student attendance data as a key indicator of the student's success and the need to convene the IEP team at any given time.

Receiving nonpublic schools and programs must comply with established criteria for tracking student attendance in the program, which must be tracked on a daily basis and provided to the LEA of enrollment on a weekly basis. The receiving nonpublic school must also comply with the requirements of the District of Columbia truancy procedures, including reporting truancy to the District of Columbia Child and Family Services Agency (CFSA) or court as required by District of Columbia law, and must also communicate any action taken regarding the student's truancy to the LEA of enrollment in its weekly report.

Continued attendance in the program for students with chronic truancy should be evaluated on a case-by-case basis, between the LEA of enrollment and the nonpublic school. The nonpublic school should make every effort to engage absent or truant students, including utilizing evidence-based practices and cooperating with the LEA of enrollment to revise the student's IEP as appropriate to address the absences. Please see Section VII for more information regarding student absences.

Check for Understanding:

- What responsibilities does the nonpublic school have regarding truancy?
- What should a nonpublic school do to engage truant students?

C. Student Data and Record Maintenance

In accordance with regulations, a child placed into a nonpublic school by an LEA must remain enrolled in, and is the responsibility of, the LEA unless and until the child's parent enrolls the child into another LEA.[4] Part of this responsibility includes ensuring that all data required by OSSE regarding each nonpublic school student is entered into the District of Columbia's Special Education Data System (SEDS) and that such data is accurate, up-to-date and complete.[5] The LEA of enrollment is responsible for ensuring compliance with OSSE's LEA Data Management Policy,[6] which requires that any transactional events for students be uploaded into the appropriate data systems within five (5) business days. The LEA of enrollment may designate

[4] 5-E DCMR 3019.9

[5] "The LEA of enrollment shall ensure that all data required by OSSE regarding a student with a disability enrolled in a nonpublic special education school or program is entered into the District of Columbia's Special Education Data System (SEDS) and that such data is accurate, up-to-date and complete. OSSE shall provide SEDS access to a nonpublic special education school or program limited to the students enrolled in the school or program and in a manner consistent with the Family Educational Rights and Privacy Act of 1974 (FERPA). Each nonpublic special education school and program shall cooperate with the LEA to maintain each enrolled student's IEP in SEDS. The failure to maintain current data shall be considered a failure to cooperate, as will other actions or omissions that lead to incomplete records. Under no circumstances shall a nonpublic special education school or program issue a change in location using SEDS." 5-A DCMR 2808.2.

[6] OSSE's LEA Data Management Policy, *available at* http://osse.dc.gov/publication/lea-data-management-policy.

this authority to the nonpublic school, but the LEA of enrollment ultimately remains accountable for the maintenance of student data.

LEAs should grant nonpublic school staff full access to student records in SEDS. This will allow nonpublic school users to enter information and make changes to the student's records in SEDS. For example, the staff at the nonpublic school will be able to create invitations to meetings, complete the eligibility process, complete the IEP process, enter service tracker logs, and enter assessment information. Note: Under 5-A DCMR 2808.2 nonpublic schools are prohibited from issuing a change in location assignment using SEDS.

The LEA must maintain the student's enrollment in its respective Student Information System (SIS). If the student has been withdrawn from an LEA's SIS, the student must be re-enrolled as soon as possible so that the enrollment will be clearly reflected at the correct nonpublic school in SEDS.

SEDS is designed so that every LEA has its own portal. Generally, an LEA may only access the records of students for which the LEA has responsibility. The District of Columbia Public Schools (DCPS) has access to the records of students enrolled in a charter school that has elected DCPS to serve as its LEA for special education purposes. As students are placed at nonpublic schools from each LEA, the OSSE will ensure that the respective nonpublic school is added to the LEA's database if it does not already exist. As students are placed into nonpublic schools from other LEAs, nonpublic school staff will have access to student records for each LEA site that has placed a student in its nonpublic school.

Check for Understanding:

- Where are students in a nonpublic schools enrolled?
- Who has access to the school records of a student attending a nonpublic school?

OSSE will ensure that the staff of nonpublic schools has access to appropriate LEA sites via an aggregate account. LEAs must be sure permissions and access within the LEA site are correctly set up. Upon receiving notification that the nonpublic user aggregate account has been created, the LEA Data Administrator must search for the user in SEDS, click on the hyperlinked name, and complete the following actions:

a. Verify the user type.
b. Check the box next to the name of the nonpublic school.
c. Check the boxes next to the Special Education Services, Related Services, and Assessment Categories indicating which services the user can provide.
d. Assign the student to a Case Manager in SEDS. The Case Manager can be from the responsible LEA or from the nonpublic school. Note: Certain functions within SEDS can only be performed by the Case Manager. (*e.g.,* Requesting Assessments).

e. Complete data entry within 15 days of the change in placement event by the nonpublic school to comply with 5-A DMCR 2808.2. The LEA should collaborate with the nonpublic staff to ensure that the LEA is informed of any scheduled meetings. Someone from the LEA can serve as the official LEA Representative at all IEP team meetings or that responsibility can be designated by the LEA to someone at the nonpublic school. The LEA, however, must be involved in any decision made by the IEP Team and must agree to any proposed changes to the IEP before they are implemented.

How will nonpublic school staff access the records they need in the LEA SEDS site?

OSSE will provide nonpublic school staff with special aggregate accounts that will allow them to access multiple LEA sites. Nonpublic school staff will only have SEDS access to the records of those students that LEAs have placed in their programs. Nonpublic school staff will **not** be able to see the records of any other students enrolled in the LEA. A separate "campus" section will be created within the LEA's SEDS site for the nonpublic school at which students are placed. Therefore, nonpublic staff will **only** be able to access the records of students at that "campus." This site will have full functionality such that nonpublic staff will be able to complete service tracker logs, enter assessment information, etc. for students at the nonpublic school.

What if there is a change in the student's enrollment?

The LEA is responsible for advising OSSE of any changes in the student's enrollment. The student's enrollment must be updated in ProActive if the child is placed by an independent Charter, or STARS if placed by DCPS, to indicate the actual school of attendance. The OSSE Placement Oversight Unit should be notified immediately if any of the following scenarios occur:

a. The student does not ever attend the proposed nonpublic school because accommodations were made in the programming within the LEA so the student continues to attend the LEA Charter.
b. The student attends a nonpublic school other than the one originally proposed.
c. The LEA successfully transitions the student back to public school.

The OSSE will take any additional action necessary to ensure the student appears at the correct school/campus within SEDS. Contact osse.IDEAdata@dc.gov to report any changes in enrollment.

What happens at the end of the school year?

Independent charter schools (i.e., charters that have not elected DPCS as the LEA for special education purposes) are responsible for ensuring that all students with disabilities placed in a nonpublic school by the independent charter school, are re-enrolled in the same school at the end of the school year and are accounted for in the upcoming school year. If a student at a nonpublic school has not transitioned out of a 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 the independent charter school, as specified in its charter, (1) the independent charter school

must provide written notification to the child's parent(s) or guardian(s) of their responsibility to enroll the child at another public charter school or into DCPS; and (2) provide such notification at least 90 days before the end of a school year.

Check for Understanding:

- Who is responsible for informing OSSE of any changes to student enrollment?
- Which students will nonpublic school staff have access to in SEDS?

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ii. SEDS Related Responsibilities of Nonpublic School Users

Nonpublic school staff should use the guidance for accessing records in SEDS. For more information regarding the obligations of nonpublic schools regarding keeping SEDS data accurate, up-to-date and complete please see 5-A DCMR 2808.2.

How can nonpublic school staff access multiple LEAs in SEDS?
Nonpublic school staff serving students from multiple LEAs in DC are eligible for a SEDS aggregate account. Through the aggregate account, nonpublic staff can access all appropriate LEA sites in one place and only have to login once. Upon receiving SEDS training, the LEA Data Administrator should make a request for an aggregate account through the OSSE Support Tool. After an aggregate account is created by the OSSE, the LEA Data Administrator at each LEA will need to modify the account in the LEA SEDS site. Once this step is complete, access to the student record will be available.

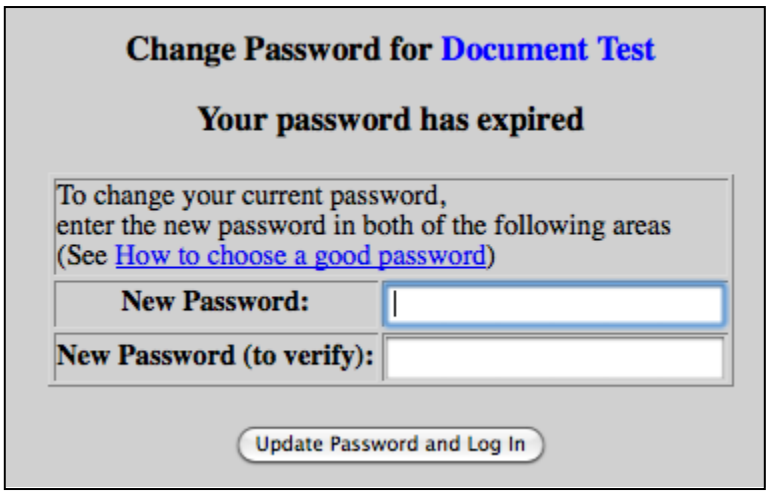
How do I access my SEDS aggregate account?
To access the SEDS aggregate account, follow these steps:

1. Go to https://osse.pcgeducation.com/~dcosse

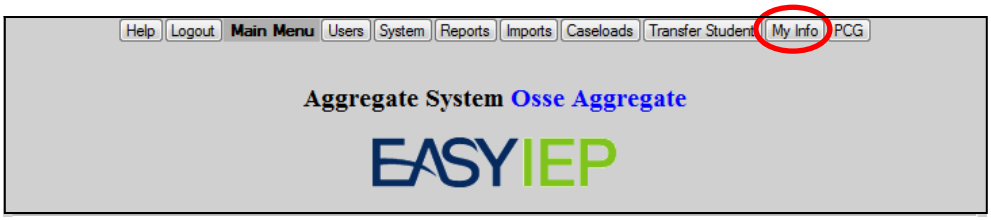
2. Save this web address as a favorite. It is the way nonpublic school staff should access ALL student records in SEDS.

3. Upon reaching the login screen, enter the username and temporary password provided.

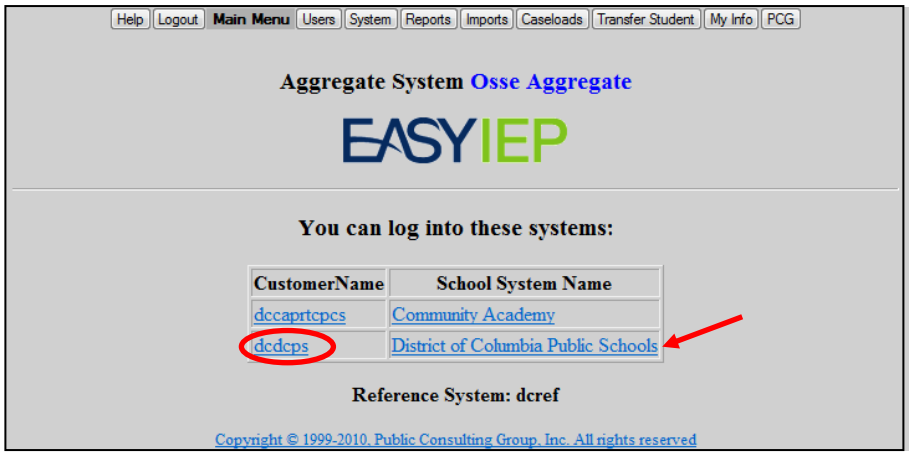
4. Upon first entry to the site, nonpublic users will be asked to create a new password.



5. Go to "My Info" and create a new password. Passwords must be reset every 90 days. Instead of letting the password expire, we recommend resetting it before it expires by using the My Info tab.



6. In order to access records for students sent by another LEA, click the link of the LEA of enrollment. To access student records for students who came from DCPS (current caseload), click on the link that says "District of Columbia Public Schools"



7. Select an LEA site to access student records.

How do I use the new LEA site?

All LEA sites in SEDS function the same way. Note: Nonpublic schools and programs have an affirmative obligation to cooperate with each LEA to maintain each enrolled student's IEP in SEDS.[7]

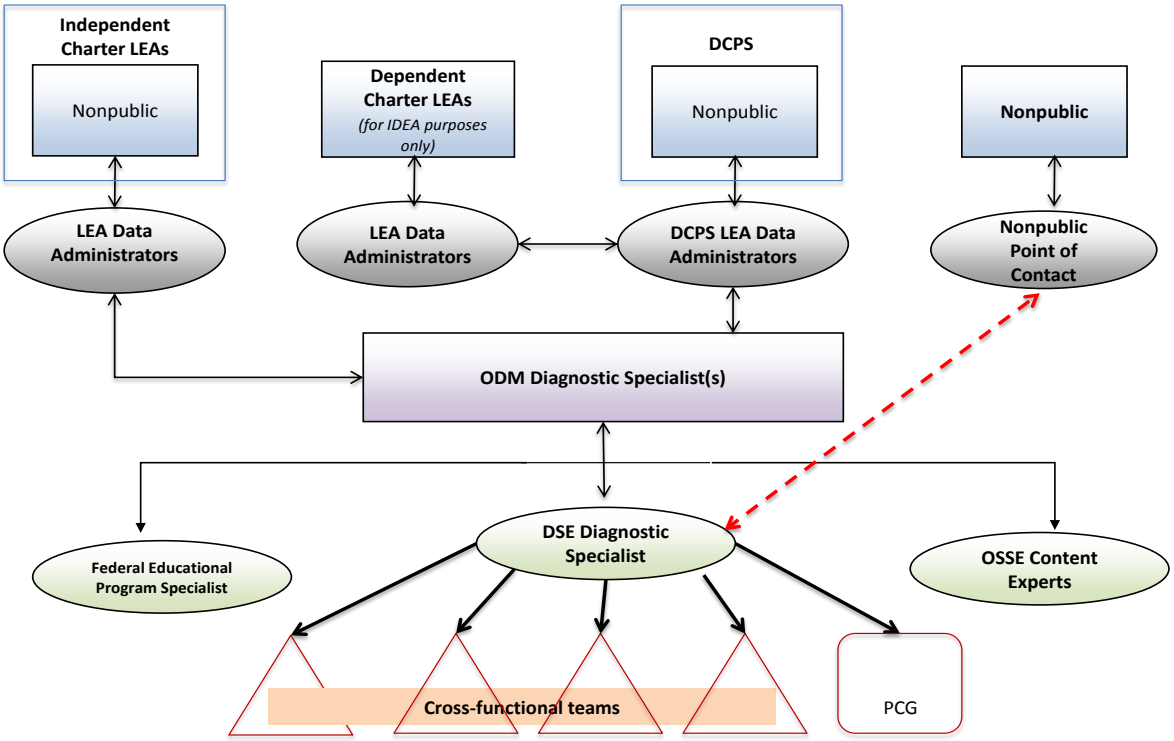
What type of technical assistance is available for SEDS?

The technical assistance model for SEDS will focus on responsibility at the LEA level through the increased role of the LEA Data Administrator. This individual will:

a. Provide troubleshooting support to users within their LEA
b. Provide training on SEDs to users within their LEA
c. Manage usage of SEDS by users within their LEA
d. Serve as the point-of-contact with OSSE for state-level questions and issues regarding SEDs

The LEA Data Administrator will contact the OSSE through the OSSE Support Tool. Through this tool, the LEA Data Administrator will be directed toward personnel with specific expertise from OSSE to diagnose and direct questions to the appropriate individuals. Within the Division of Specialized Education, cross-functional teams will assume the role of providing technical assistance to LEAs.

[7] See 5-A DCMR 2808.2.



This model of technical assistance will provide:

a. Timely and accurate support from OSSE experts
b. Organized process that results in more efficient and effective communication
c. Increased LEA autonomy leading to more relevant connections between procedural compliance and data quality

How does a user at a nonpublic school receive support if he or she has a question about a student placed by a LEA?

When a user at a nonpublic school has a question about a particular student in SEDS, the user will need to contact the LEA Data Administrator from the LEA that placed or has assumed LEA responsibility for the student. The LEA is responsible for supporting nonpublic schools when questions or concerns arise regarding the student in SEDS.

How does a user at a nonpublic school receive support if he or she has a question about the system and not a particular student?

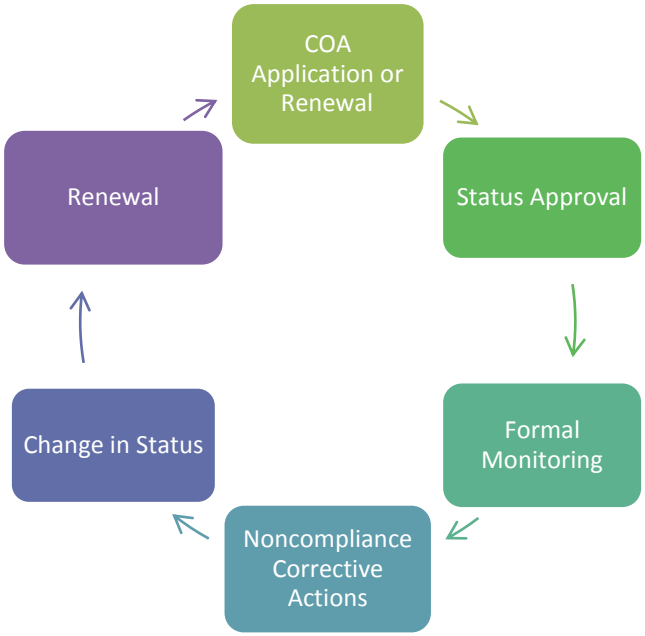
When a nonpublic user has a question pertaining to the system, the user should first confirm the issue with the nonpublic point of contact. The nonpublic point of contact is the person designated by the nonpublic school as the liaison with OSSE. Once the issue is confirmed, the nonpublic point of contact should contact the LEA of enrollment for student specific issues and

the state via the OSSE Support Tool for systems issues. The tool is available on the SEDS Resource site.

Check for Understanding:

- Who is in charge of requesting a SEDS aggregate account?
- When will nonpublic school staff have access to a student's records?

IV. Ensuring Quality: Programmatic and Reporting Requirements



A. The Certificate of Approval (COA) Application Process

Legislation passed by the District of Columbia (District) Council in 2006, known as the Placement of Students with Disabilities in Nonpublic Schools Act ("Nonpublic Placement Act"), established a Certificate of Approval (COA) process for nonpublic special education schools serving District students with disabilities. OSSE issued revised regulations strengthening the COA requirements in October 2010 and July 2011.[8] Applicant schools must demonstrate, among other things, receipt of all required fire, health, safety, and building inspections; current certification of all teachers and related service providers; and policies consistent with the requirements of the DCMR.

[8] 5-A DCMR 2800 et. Seq.

All nonpublic special education schools must receive a COA from OSSE prior to accepting any referral or placement of a District student with a disability or ward of the District with an Individualized Education Program (IEP) funded by the District government. Certain exceptions exist, including when a student is placed at an uncertified nonpublic school by an Order of a Court of Law or a Due Process Hearing Officer Decision. In no case shall a COA at any level be awarded unless the nonpublic school can demonstrate, to the satisfaction of OSSE, that the health and safety of students is protected and that the nonpublic school is able to implement the provisions of each student's IEP.

Nonpublic schools are responsible for maintaining compliance with all COA requirements and working collaboratively with the student's LEA to ensure that the student is receiving a free appropriate public education in the least restrictive environment. Ultimately, however, the LEA responsible for a student's placement in a nonpublic school is responsible for ensuring that the Individuals with Disabilities Education Act (IDEA) is being implemented for each student placed in the nonpublic school. Therefore, should noncompliance with IDEA regulations be identified in the course of OSSE monitoring activities, the responsible LEA will receive notice of the findings of noncompliance and be accountable for working collaboratively with the nonpublic school to correct the noncompliance as soon as possible, but in no case later than one year from the identification of noncompliance.

Check for Understanding:

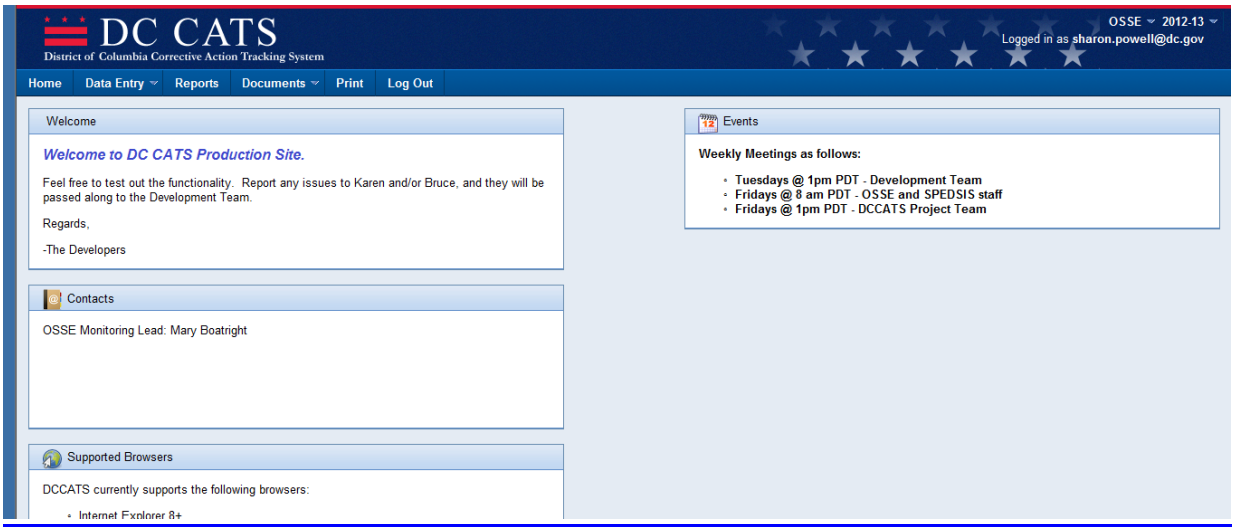
- When can nonpublic schools receive student referrals?
- What must nonpublic schools submit to OSSE when they certify DCMR compliance?

B. District of Columbia Corrective Action Tracking System

The District of Columbia Corrective Action Tracking System (DC CATS) is a web-based application designed to support the OSSE's Division of Specialized Education (DSE) with IDEA compliance monitoring. OSSE's Monitoring and Compliance team uses DC CATS to maintain compliance data collected from LEAs and Early Intervention Programs through OSSE's compliance monitoring activities.

Beginning in fall 2012, OSSE began issuing findings of noncompliance made as part of LEA on-site compliance monitoring and quarterly database reviews through DC CATS. In the spring 2013, OSSE expanded the issuance of noncompliance findings in DC CATS for nonpublic on-site compliance monitoring.

As DC CATS is a secure online data system, it can be accessed anywhere users have access to the internet using this link, https://dccats.spedsis.com.



LEAs and nonpublic schools have different responsibilities in correcting noncompliance through DC CATS. LEAs are ultimately responsible for correcting student level noncompliance. Nonpublic schools are responsible for correcting nonpublic school-level noncompliance.

Information in DC CATS is driven by agency affiliation. Local users are only able to see information about students enrolled in their LEA or nonpublic school. Each DC CATS user type is shown in the table below. It is important to note that a single user can have multiple responsibilities and therefore be assigned multiple functions.

A user with no assigned permissions could access DC CATS with their user name and password, but would be limited to pages in DC CATS that do not have student information. In contrast, local users have access to view reports associated with his/her agency.

LEA/Nonpublic Monitoring Permissions

A local user's ability to access various parts of DC CATS is based on the permissions associated with his/her user role in Permissions Manager. Each LEA/nonpublic school has an assigned Local Security Administrator responsible for entering users and assigning appropriate permissions. If you cannot access the appropriate reports in DC CATS, contact your Local Security Administrator.

Some local users will have multiple roles, permissions and associated responsibilities within DC CATS. Permissions relevant to agency level IDEA Part B compliance monitoring are listed in the table below. Note that currently the Local Submitter and Local Reviewer have equal responsibilities. As more features and reports are made available in DC CATS, the Local Submitter may have additional responsibilities at the local level. The Local Submitter is typically assigned to a person with administrative responsibilities whereas the Local Reviewer can be assigned to a classroom teacher to allow a teacher to correct findings of noncompliance.

DC CATS Reporting

All active reports are available under the main menu Reports. If a report is not applicable for your agency or has not yet been released, the report template will display the text 'No Compliance Report Found.'

Compliance Summary Report

The Compliance Summary Report in DC CATS summarizes responses from all data sources used during an on-site compliance monitoring review. Data will be collected using the following tools[9]:

- OSSE Part B Compliance: Student Monitoring
- OSSE Part B Compliance: Nonpublic Monitoring

An **On-site Visit Compliance Summary Report** and a **Student/Agency Compliance Summary Report** will be generated for each data collection tool used during an on-site review.

i. <u>On-site Visit Compliance Summary Reports</u>

After completing all record reviews and entering all information collected during the on-site visit, OSSE will "release" the Compliance Summary Report(s) to allow LEA/NP users to view the Summary Report(s), the Student Noncompliance and Agency Noncompliance Reports associated with their agency.

ii. <u>Student Compliance Summary Reports</u>

The Student Compliance Summary Report groups items from all file reviews conducted into five cluster areas: Initial Evaluation and Reevaluation, IEP, LRE, Discipline, and Truancy. Agency level reports also have the same cluster areas in which items are grouped.

Below are sample items from an LEA/NP Student Compliance Summary Report in DC CATS.

	Initial				Final			
	#C	#NC	#NA	%	#C	#NC	#NA	%
Initial Evaluation and Reevaluation								
12) Parents Provided Procedural Safeguards *§300.504(a)(1)*	0	1	0	0.00%	0	1	0	0.00%
13) Parent Consent for Initial Evaluation *§300.300(a)*	0	1	0	0.00%	0	1	0	0.00%
15) Variety of Assessment Tools and Strategies Used *§300.304*	1	0	0	100.00%	1	0	0	100.00%
16) Parent Consent for Reevaluation *§300.300(c)(1)*	3	1	0	75.00%	3	1	0	75.00%
17) Consent Form Signature Date Prior to Reevaluation *§300.300(c)(1)*	3	0	0	100.00%	3	0	0	100.00%
18) IEP Team Review of Existing Data *§300.305*	3	1	0	75.00%	3	1	0	75.00%

[9] All of the Monitoring and Compliance tools can be found at http://osse.dc.gov/service/monitoring-and-compliance.

Data for each item and associated regulation include:

- **#C:** The number of responses that are compliant
- **#NC:** The number of responses that are noncompliant
- **#NA*:** The number of responses that were answered 'Not Applicable'
- **%:** The percentage of compliant responses. This is calculated by using the below formula

$$\% \text{ of compliant responses} = \frac{\text{\# of compliant responses}}{(\text{\# of compliant responses}) + (\text{\# of noncompliant responses})}$$

*NA responses are not used in the calculation

Initial vs. Final Report Release

Initial Report Release

Compliance Summary Reports will be released in two phases: (1) the Initial Report release and (2) the Final Report release. The LEA/nonpublic school has seven (7) calendar days from the release of the Initial Report to make corrections to identified individual student and nonpublic school noncompliance and submit evidence of correction to OSSE. Any correction made within 7 days **and approved by OSSE** will be removed as a noncompliant response and count as compliant in the Final Report. At the close of the 7-day correction period, all remaining items of noncompliance will be counted as a finding of noncompliance for the LEA/nonpublic school and will be required to be corrected after release of the Final Report.

After release of the Initial Report, the dates in the top left corner of the report will reflect the initial release date, the expected submission date for submitting evidence of corrections, and a countdown of the days remaining in the 7-day correction period.

LEA Onsite Visit: Student Compliance
Initial Release Date: 4/5/2013
Days Remaining: 7
Expected Date of Submission: 4/12/2013

There are two sets of data displayed in the report, "Initial" data and "Final" data. At the time the Initial Report is released, both data sets will be the same. After corrections have been approved by OSSE, the data displayed in the "Final" data column will reflect the corrections that were approved prior to the release of the Final Report.

	Initial				Final			
	#C	#NC	#NA	%	#C	#NC	#NA	%
Initial Evaluation and Reevaluation								
12) Parents Provided Procedural Safeguards *§300.504(a)(1)*	0	1	0	0.00%	0	1	0	0.00%
13) Parent Consent for Initial Evaluation *§300.300(a)*	0	1	0	0.00%	0	1	0	0.00%
15) Variety of Assessment Tools and Strategies Used *§300.304*	1	0	0	100.00%	1	0	0	100.00%
16) Parent Consent for Reevaluation *§300.300(c)(1)*	3	1	0	75.00%	3	1	0	75.00%
17) Consent Form Signature Date Prior to Reevaluation *§300.300(c)(1)*	3	0	0	100.00%	3	0	0	100.00%
18) IEP Team Review of Existing Data *§300.305*	3	1	0	75.00%	3	1	0	75.00%

Note: During the initial release and prior to corrections, data will be identical in both columns.

Final Report Release

Initial Release Date: **12/13/2012**
Date of Notification: **1/2/2013**
Days Remaining: **272**

Expected Dates of Submission:

1. 2/11/2013
2. 3/13/2013
3. 4/12/2013

After OSSE has reviewed all submitted LEA/nonpublic school corrections (during the Initial Report period) **and approved the corrections** on the Student Noncompliance and Nonpublic Noncompliance Reports, the Final Report will be ready for release. When the Final Report is released it will generate the "Date of Notification" and begin the 365-day countdown in which the LEA/nonpublic school is expected to correct all noncompliance and OSSE will verify the correction of all findings of noncompliance. The three expected dates of submission will be displayed on the Noncompliance Reports and the Verification of Correction Prong II Report (only for student level noncompliance) and will serve as due dates for corrections to be submitted to OSSE.

Upon release of the Final Report, the data displayed in the "Final" column will be the summary of noncompliant items that will result in findings for the LEA/nonpublic school. Any items that were corrected and approved during the Initial Report phase will move to "Compliant" in the Final column.

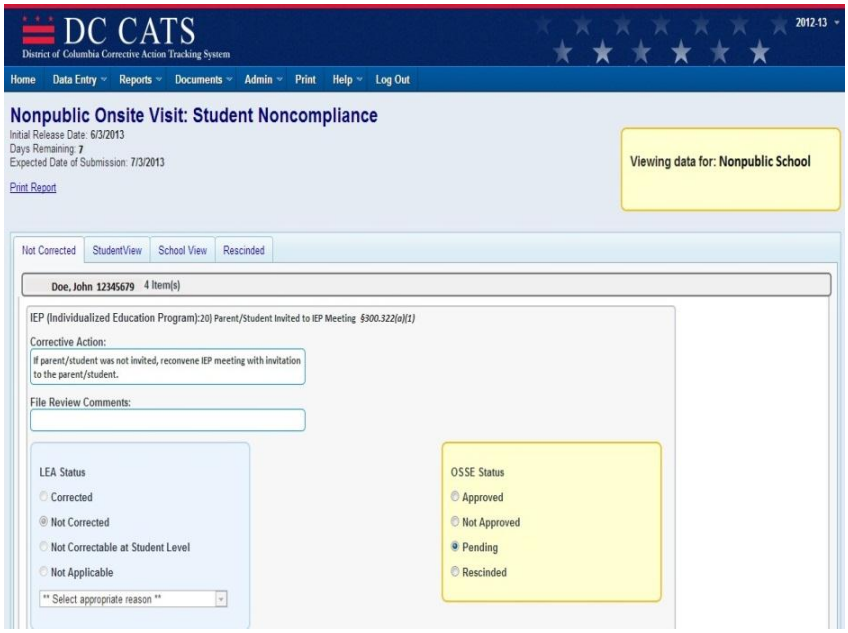
	Initial				Final			
	#C	#NC	#NA	%	#C	#NC	#NA	%
Initial Evaluation and Reevaluation								
12) Parents Provided Procedural Safeguards *§300.504(a)(1)*	0	1	0	0.00%	0	1	0	0.00%
13) Parent Consent for Initial Evaluation *§300.300(a)*	0	1	0	0.00%	0	1	0	0.00%
15) Variety of Assessment Tools and Strategies Used *§300.304*	1	0	0	100.00%	1	0	0	100.00%
16) Parent Consent for Reevaluation *§300.300(c)(1)*	3	1	0	75.00%	4	0	0	100.00%
17) Consent Form Signature Date Prior to Reevaluation *§300.300(c)(1)*	3	0	0	100.00%	3	0	0	100.00%
18) IEP Team Review of Existing Data *§300.305*	3	1	0	75.00%	4	0	0	100.00%
19) Variety of Sources Used to Determine Continued Eligibility *§300.306(c)*	3	1	0	75.00%	4	0	0	100.00%

Note: A few items were corrected by the LEA and approved by OSSE during the Initial Release period. The Final report data shows these items as compliant.

The LEA must correct all remaining individual student noncompliance as soon as possible based on the "Expected Dates of Submission" as determined by OSSE. The nonpublic school or program must correct all remaining nonpublic noncompliance as soon as possible based on the "Expected Dates of Submission" as determined by OSSE.

The Student Noncompliance Report provides several views to enable users to see detailed information about specific items of noncompliance for individual students. There are four views accessible to local users: (a) Not Corrected, (b) Student View, (c) School View, (d) Student in a nonpublic school. The Student Noncompliance Report and the Nonpublic Noncompliance Report share similar views and correction process.

Color coding will assist both LEA/nonpublic school and OSSE users in knowing the correction status for a particular student.



White = The initial status of an item; "Not Corrected" for the LEA Status and "Pending" for the OSSE Status.

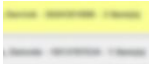
Yellow = The LEA/nonpublic school has taken action and marked the item as "Corrected," "Not Correctable at Student Level" or "NA" but OSSE has not yet approved the updated status.

Green = OSSE has reviewed the uploaded evidence and the item is "Approved" as corrected.

Red = OSSE has reviewed the uploaded evidence and the item is "Not Approved'." When an item is marked "Not Approved," the LEA/NP Status reverts back to "Not Corrected" and moves back to the "Not Corrected" tab.

On all tabs where Status buttons are available, access to buttons is based on agency affiliation and assigned permission. Only Local Certifiers and Local Reviewers have access to the LEA Status buttons and only OSSE Certifiers and OSSE Reviewers have access to the OSSE Status buttons.

NOT CORRECTED VIEW

This is the default view that appears on the screen when the Individual Student Noncompliance Report is selected. This view displays all "Not Corrected" items of noncompliance for each student with identified noncompliance  (alphabetical order by student last name).

The bar will identify the student's last name, first name, student ID and number of items of noncompliance. When opened, each item of noncompliance will be displayed for the student.

The information contained in this section of the Nonpublic Toolkit provides only a brief overview of the monitoring processes and online corrective action tracking system utilized by OSSE to ensure nonpublic schools and their respective LEAs provide high quality special education services compliant with federal and District regulations. Consequently, with the expansion of DC CATS, OSSE will provide regular training to LEAs and nonpublic schools throughout the year. Individuals interested in receiving additional DC CATS training and reference materials or troubleshooting system/user errors in DC CATS can contact osse.dccatshelp@dc.gov or visit the following links:

- https://dccats.spedsis.com
- http://osse.dc.gov/service/monitoring-and-compliance

Check for Understanding:

- How will compliance summary reports be issued?
- What is the difference between the initial report release and the final report release?

C. Nonpublic On-site Compliance Monitoring

Each nonpublic school holding a current COA is required to undergo on-site monitoring at least once within the validity of their COA. OSSE identifies in late summer the nonpublic schools to be monitored and visited throughout the school year. The current year's monitoring calendar can be found on the OSSE website.[10] It is important to note that OSSE may make unannounced visits to a nonpublic school or program, review student records, and conduct interviews with students and staff at its discretion.

Step 1: Identification of Nonpublic Schools for On-site Compliance Monitoring

Nonpublic schools will be selected for an on-site compliance monitoring visit based on a variety of factors including the date of the last on-site visit, issuance of a COA, and the number and/or the nature of complaints received regarding the nonpublic school.

[10] The OSSE Monitoring Calendar can be found at http://osse.dc.gov/service/monitoring-and-compliance.

Step 2: Notification of On-site Compliance Monitoring Selection

Nonpublic schools are directly contacted by OSSE to schedule a monitoring visit. A letter is sent to the nonpublic school indicating the date of the visit, suggested date for the pre-site conference call or pre-site visit; purpose of the visit and planned activities; and requests documents and information required for the pre-site conference call and on-site monitoring visit. Nonpublic schools are expected to plan for the on-site monitoring visit as soon as possible. For example, after notification of the visit, nonpublic schools should immediately plan for the accommodations and time needed for staff, family and student interviews, and for OSSE record reviews. Likewise, nonpublic schools should begin collecting documents requested prior to the pre-site collaboration.

Step 3: Pre-site Conference Call or Pre-site Visit

The pre-site conference call or visit is an opportunity for the nonpublic school and OSSE staff to discuss the purpose of the on-site visit, plan the agenda for the on-site visit, and work out logistics. Nonpublic schools can use the occasion to ask any questions regarding the visit and provide OSSE with documents needed prior to the visit. At a minimum, documents that should be available prior to the pre-site conference call or visit include:

- School schedule;
- A list of all current employees with their titles and qualifications;
- Completed OSSE Student Roster Form of District students;
- Attendance records for the current school year of District students;
- Documentation that all District students in tested grades participate in the DC-CAS or DC-CAS ALT;
- Policies and procedures regarding behavior, including positive behavior supports and emergency behavioral interventions. Please be sure to include seclusion and restraint policies and procedures;
- All discipline incident reports for District students for the current school year, including any involving seclusion or restraint; and
- Written plan regarding post-high school transition services for students 16 and older.

Step 4: On-site Compliance Monitoring Visit and Activities

Following its notification letter to each selected nonpublic school and the subsequent pre-site conference calls or visits, OSSE will conduct an on-site visit. If a nonpublic school has more than one campus or site, OSSE may conduct its on-site monitoring visit at multiple locations. Regardless of the number of locations OSSE chooses to visit, only one monitoring report will be issued to the nonpublic school through DC CATS.

OSSE will examine student files in the office prior to the on-site visit through SEDS. Items that will be assessed during the record reviews are outlined in the student compliance monitoring tool[11] and align with the monitoring standards. The number of selected files will be based on the number of District students with IEPs who attend the nonpublic school. However, OSSE may choose to review additional files if multiple LEAs have students placed at the nonpublic school, or for any other reason at OSSE's discretion.

Total Number of Students with IEPs Versus Number of Files Reviewed

- Less than 40 students placed at the nonpublic across LEAs – 10 files reviewed
- 40 – 99 students placed at the nonpublic across LEAs – 20 files reviewed
- 100 – 149 students placed at the nonpublic across LEAs – 30 files reviewed
- 150 or more students placed at the nonpublic across LEAs – 40 files reviewed

During the on-site visit, OSSE will engage in the following activities:[12]

• ***Staff Interviews:*** As a part of the site visit, OSSE will conduct individual interviews with various nonpublic school staff including the Chief Executive Officer or Executive Director, principal, and the director of special education, teachers (special education and general education), related service providers, behavior management/crisis staff, dedicated aids, and teacher's assistants. Other staff members may be interviewed at OSSE's discretion.

• ***Student and Family Interviews:*** OSSE may choose to interview students with IEPs, and/or their families, to better understand compliance and performance in the nonpublic school. The nonpublic school will be informed in advance of the names of any students and/or families selected by OSSE for an interview. In either case, the nonpublic is responsible for coordinating the interviews with students and/or their families. If OSSE selects students who are involved in CFSA, incarcerated, in the custody of DYRS, and/or receive services through the Department of Mental Health or other District agencies, OSSE will take steps to coordinate its interviews with those agencies.

• ***Classroom Observations/School Tour:*** OSSE will tour the nonpublic school and/or observe classrooms or programs within the nonpublic school. The purpose of the tour/observations is to ensure the safety of District students placed in the nonpublic school and to verify information provided by the nonpublic school regarding the behavior management and academic instruction of District students.

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[11] A copy of the student monitoring tool can be found at http://osse.dc.gov/publication/part-b-student-compliance-monitoring-tool.

[12] A copy of the nonpublic school monitoring tool can be found at http://osse.dc.gov/publication/nonpublic-monitoring-supplement.

Step 5: Desk Review

Following the on-site visit, OSSE will conduct a desk review of additional information available regarding the nonpublic school. Information reviewed may include, but is not limited to, data in SEDS, student attendance records, Encounter Tracking Forms, Related Services Management Reports, other monitoring reports issued to the nonpublic school (e.g. reports from other agencies), the school's COA application, and/or the school's website.

Step 6: DC CATS Release of Findings and Monitoring Report

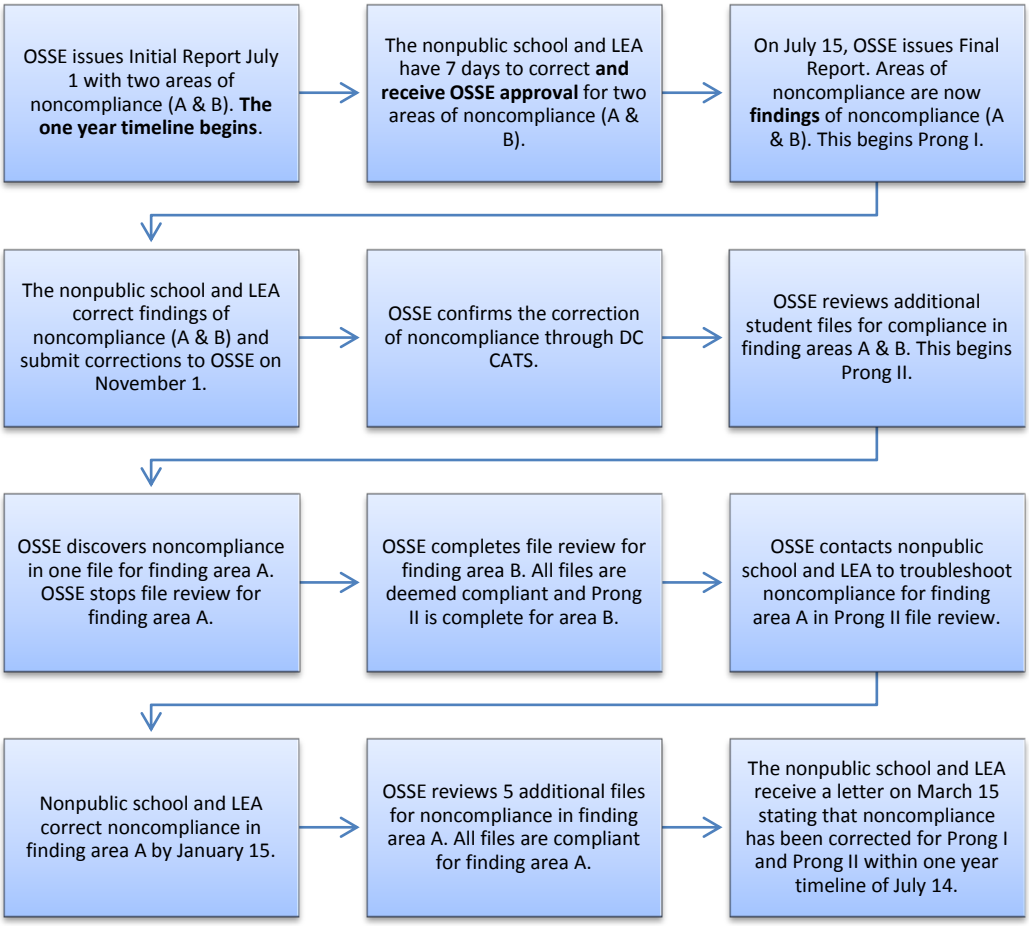
Within three months of the on-site visit, OSSE will notify the nonpublic school and the LEA responsible for the District student placed in the school of any findings of noncompliance identified during the on-site visit. The monitoring report will be released in DC CATS and will outline student- and school-level noncompliance. The monitoring report will also delineate corrective actions necessary for the nonpublic school and/or the LEA to correctly implement the specific regulatory requirement. Monitoring reports are intended to promote the improvement of educational results and functional outcomes for students with disabilities through the identification of noncompliance. LEAs and nonpublic schools will be required to document the completion of all corrective actions and provide this documentation to OSSE through DC CATS.

For all identified noncompliance, the nonpublic school and/or the LEA must correct the noncompliance as soon as possible but in no case later than one year after the identification of the noncompliance. The date of the monitoring report serves as the date of the identification of the noncompliance.

Pursuant to Office of Special Education Programs (OSEP) Memo 09-02,[13] OSSE must account for all instances of noncompliance. In determining the steps that the LEA must take to correct the noncompliance and document such correction, OSSE may consider a variety of factors. For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement, OSSE must also ensure that the LEA has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA. In addition, OSSE must ensure that each LEA has completed the required action (e.g. completed the evaluation although late).

[13] A copy of this memo can be found at http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep09-02timelycorrectionmemo.pdf.

Correction of Noncompliance Example



Noncompliance is corrected when the nonpublic school and/or the LEA can demonstrate that it is correctly implementing the specific regulatory requirement for all District students with disabilities. The monitoring report will detail the required student-level and nonpublic-level corrective actions required to assist the nonpublic school and/or the LEA in correctly implementing the specific regulatory requirement. OSSE may also require the nonpublic school and/or the LEA to conduct a root cause analysis to determine the reasons for the identified noncompliance. Correction of noncompliance is described in terms of Prong I and Prong II corrections. **Both Prong I and Prong II corrections must be completed no later than one year after the identification of noncompliance.**

The nonpublic school and/or LEA will receive an Initial Report identifying areas of noncompliance. The nonpublic school and/or LEA will have 7 days to submit proof of compliance to OSSE before the Final report is issued with findings of noncompliance. Once the findings of noncompliance have been issued through the Final Report, the nonpublic school and/or the LEA must immediately work to correct the noncompliance. The correction of findings of noncompliance issued in the Final Report is known as the Prong I correction process. These corrections must be completed and submitted to OSSE before Prong II begins. After the

nonpublic school and/or LEA submit Prong I corrections to OSSE, OSSE will confirm the correction of noncompliance through DC CATS.

After OSSE has verified Prong I corrections through the DC CATS system, the Prong II correction process begins. To complete the Prong II process, OSSE reviews 5 to 10[14] additional student files to determine if the LEA is correctly implementing the specific regulatory requirements (i.e. achieved 100% compliance). If OSSE deems these subsequent files compliant in the area(s) of review, then Prong II corrections are complete, and the nonpublic school and/or the LEA will receive a letter indicating that noncompliance has been corrected. However, if OSSE discovers noncompliance while conducting the Prong II review, then the Prong II file review for that area of noncompliance will stop. OSSE will contact the nonpublic school and/or LEA to discuss and troubleshoot the area of noncompliance identified. The nonpublic school and/or LEA must correct the noncompliant student files, and ensure that all other student files are compliant in that area. OSSE will then select a new batch of files for Prong II subsequent review, and will continue this process until all files pulled demonstrate correct implementation of the regulatory requirements in each area of noncompliance originally identified. Once OSSE deems that all areas of noncompliance have been corrected, the nonpublic and/or LEA will receive a letter indicating that noncompliance has been corrected and they have demonstrated the correct implementation of the regulatory requirements.

Each LEA will provide guidance to their respective nonpublic schools on how Prong II corrections should be handled in order to demonstrate correct implementation of regulatory requirements. (Note: not all monitoring tool items need Prong II corrections. The 2013-2014 student monitoring tool provides additional information on monitored areas, corrective actions and items requiring Prong I and Prong II correction.[15]).

Step 7: Corrective Action Plans

OSSE will provide a list of required student- and school-level corrective actions for noncompliance identified through record reviews and certain interviews. The nonpublic school and/or the LEA may also be required to conduct a root cause analysis to determine the reasons for the identified noncompliance and submit a plan outlining the steps they will take to address the root causes of noncompliance. Should the nonpublic school and/or the LEA be required to conduct a root cause analysis, OSSE will outline the required timeline within the monitoring report or corresponding communication.

Corrective actions, whether generated through the monitoring report or through a CAP resulting from the root cause analysis, may be relatively uncomplicated and non-time

[14] Note that OSSE may select more files to review for Prong II purposes.
[15] The OSSE Nonpbulic Monitoring Tool can be found at http://osse.dc.gov/publication/nonpublic-monitoring-tool.

consuming (e.g. correcting a data error in SEDS) or may be multifaceted and involved (e.g. developing a policy and procedures for ensuring appropriate discipline processes). Regardless of the level of the noncompliance, the noncompliance must be corrected as soon as possible but in no case later than one year after the identification of the noncompliance.

Step 8: Verification of Correction of Noncompliance

After the nonpublic school and/or the LEA has certified correction of noncompliance, OSSE will verify the correction of noncompliance.

- To verify the correction of student-level citations, OSSE will review the original student files to verify that the required action has been completed. Additionally, OSSE will select a sample of student files that were not originally reviewed or generate an updated report from SEDS to ensure that the nonpublic school and/or the LEA is correctly implementing the specific regulatory requirement.
- To verify nonpublic school- and/or LEA-level noncompliance, OSSE will review documents submitted by the nonpublic school and/or the LEA that evidence the completion of required corrective actions and will select a sample of student files that were not originally reviewed or generate a report from SEDS to verify correction of noncompliance. Correction of noncompliance will be complete when the nonpublic school and/or the LEA can demonstrate that it is correctly implementing the specific regulatory requirement.

Pursuant to OSEP Memo 09-02, OSSE must verify the correction of noncompliance within one year of the identification of the noncompliance; therefore, verification activities will occur before the conclusion of the one-year timeline.

Step 9: Closure of Findings of Noncompliance

After OSSE has verified the correction of the noncompliance in DC CATS, OSSE will inform the nonpublic school and the LEA in writing that the finding of noncompliance is closed. Nonpublic schools and LEAs should continue to conduct record reviews to identify any areas of need that may arise before future OSSE monitoring activities. Longstanding noncompliance extending beyond the one-year correction period will result in additional enforcement actions by OSSE and will affect the LEA's annual determination. Further, longstanding noncompliance may affect the status of the nonpublic school's COA. Likewise, the LEA's timely correction of noncompliance will also be considered in the annual determination of the LEA's performance and compliance with the IDEA.

Check for Understanding:

- Which individuals will OSSE interview as part of the monitoring process?
- When must noncompliance be corrected?

D. OSSE Annual Nonpublic School Data and Reporting Requirements

Nonpublic schools are required to certify their compliance (See Appendix A) with the DCMR each year at least 45 days prior to the beginning of the school year. OSSE also requests updated teacher and related service provider rosters, as well as proof of current certification (See Appendix B). Since 2012, OSSE has required nonpublic schools with COAs to complete data reporting on the previous year's incident reports in accordance with the Nonpublic Placement Act. OSSE will expand data reporting requirements for nonpublic schools or programs to include data on student enrollment, diploma/certificate of completion, graduation, staffing rations, and changes to LRE as well as incidents (e.g., suspensions, expulsions, restraints, seclusions, etc.).[16] LEAs will be able to request a copy of a school's completed form from OSSE or from the nonpublic school.

The LEA Student Progress Monitoring Tool is intended to suggest a set of data points on which an LEA may choose to evaluate student's progress at a nonpublic school. The data points included on this tool is not exhaustive, and OSSE anticipates that LEAs will review other indices of student progress when determining whether the school continues to meet a child's needs.

V. Standards-Aligned Instruction

A. Ensuring Rigor and Relevance

Pursuant to District of Columbia regulations, nonpublic schools serving District students must ensure that students have access to a curriculum that is aligned with District of Columbia learning standards and must ensure that students are prepared for graduation with a regular diploma or certificate of IEP completion as determined by the IEP team.[17]

The LEA of enrollment shall regularly review student performance data to determine appropriateness of placement and the need to convene the IEP team at any given time. The LEA of enrollment shall collaborate with the nonpublic school to determine that the nonpublic school's method of assigning grades to the student based on performance in course work in the program, issuing report cards, and hosting parent conferences is compliant with the practices and policies of the LEA of enrollment.

The nonpublic school must cooperate with the LEA of enrollment in offering course work consistent with the LEA of enrollment's program requirements for graduation. The nonpublic school must monitor student progress and provide regular academic updates to the LEA of enrollment.

[16] In September 2013 OSSE will provide guidance on required reporting data elements and expected timelines for submission of data.

[17] 5-A DCMR §A-2805.2.

The LEA of enrollment shall be responsible for administration of the District of Columbia state-wide assessment (DC-CAS).

Check for Understanding:

- What curriculum and coursework must nonpublic schools offer?
- Who is responsible for grades, report cards, and parent conferences?

B. Secondary Transition Planning: Ensuring Post-Secondary Success

Secondary transition planning is required for all students aged 16 or over who have disabilities and qualify for special education services. The transition requirements in IDEA 2004 are designed to ensure that school staff:

a. Work with eligible students and their families to explore and discuss what students want to do after high school
b. Design a rigorous course of specialized instruction that directly relates to each student's dreams and goals for the future
c. Provide instruction, related services, community experiences, employment, and adult and daily living objectives that ensure adequate preparation while the student is in high school
d. Assist students and families in making the linkages to services they will need after high school
e. Increase the probability that every student will be successful once he or she exits high school.

IEP teams are required to address transition planning in IEPs that take effect during the school year in which students turn 16 years of age. However, IEP teams may begin secondary transition planning at a younger age if the team determines early planning is appropriate.

i. Age- Appropriate Transition Assessment

Transition assessments assist teams in identifying the strengths and needs of students as they relate to future learning, living, and working environments. Ongoing, age-appropriate assessments are essential in developing realistic and meaningful post-secondary goals. Teams should use a variety of formal (i.e., standardized instruments, aptitude tests, interest assessments, etc.) and informal assessments (i.e., interviews, questionnaires, observations, interest inventories, training evaluations, etc.) on an annual basis to inform decision making and ensure a student-centered planning process.

ii. Post-Secondary Goals

Post-secondary goals represent what a student wants to achieve after high school. IEP transition plans must include one or more post-secondary goal(s) in the areas of education/training and employment. Transition plans may include goals for independent living when appropriate. Post-secondary goals should be written in measurable terms and based on information about the student gained from age-appropriate assessments. Additional IEP components should be aligned to support students in attaining their post-secondary goals.

iii. Annual Transition Goals

Annual transition goals describe what a student will learn within the academic year to ensure progress toward postsecondary goal achievement. Annual transition goals should be based on data from previously administered transition assessments and align with postsecondary goals. Annual transition goals should detail the employment, education/training, and independent living skills a student will learn and master throughout the academic year. Transition plans must include at least one annual transition goal to support and align with each stated post-secondary goal.

iv. Transition Services

Transition services are a coordinated set of tasks or activities, based on the student's needs, preferences, and interests that students complete to learn the skills and knowledge associated with each annual goal. Activities may take place in the school, at home, or in community-based settings.

A course of study is the description of the coursework necessary to prepare a student for post-school activities. The course of study should directly relate to the student's current level of performance and the student's postsecondary goals and align with academic requirements for a high school diploma or certificate of completion.

v. IEP Transition Team-Required Members

Students of transition age must be invited to attend their IEP meeting. In accordance to best practices, students should be introduced to transition terminology, the role of the IEP team, and IEP meeting procedures prior to attending their own IEP meeting. A student must be invited, but is not required, to attend his or her IEP meeting, as long as there is thorough documentation that steps have been taken to obtain and consider the student's post-secondary preferences and interests.

Whenever a participating agency is likely to be responsible for paying for or providing transition services (e.g., the D.C. Rehabilitation Services Administration) included in a student's transition

plan, the LEA must invite a representative from that agency to attend and participate in the IEP meeting. Note that LEAs must first obtain written parental consent (or student consent if the student has reached the age of majority) before inviting the representative to attend. The signed consent form must be in writing and uploaded/faxed into SEDS.

vi. Summary of Performance

In compliance with IDEA 2004 and OSSE policy,[18] LEAs are required to create a Summary of Performance (SOP) for a student at least 60 days prior to the student's pending graduation or prior to the student attaining that age at which he or she exceeds the District of Columbia's age eligibility for a free appropriate public education (FAPE).

When correctly drafted, the SOP serves as a valuable snapshot of a student's academic and functional abilities and provides documentation that a student's disability presently exists. Because SOPs are completed at the end of a student's high school career, they also provide IEP teams with a final opportunity to assist students in taking the next steps toward plans for post-secondary employment, training, and education.

vii. Transition Planning Resources

For more information on transition planning for successful post-secondary outcomes, refer to:

- OSSE's Secondary Transition Toolkit, August 2013, http://osse.dc.gov/service/training-and-technical-assistance.
- OSSE Secondary Transition Policy, January 2010, http://osse.dc.gov/service/policies-and-regulations.
- OSSE's Secondary Transition Resource Site, www.ossesecondarytransition.org
- National Secondary Transition Technical Assistance Center, www.nsttac.org

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Check for Understanding:

- In what areas should a student have post-secondary goals?
- What is the student's role in his or her secondary transition plan?

VI. Planning for Transition to the Least Restrictive Environment (LRE)

An appropriately designed placement is one that is tailored to meet the unique instructional and social needs of each individual student with a disability. For some students, their program requires education in a separate, nonpublic school setting.

[18] The Secondary Transition Policy can be found on the OSSE website at http://osse.dc.gov/service/policies-and-regulations.

For students whose LRE is in a nonpublic school setting, the IEP team determines the length of time the student needs to be educated in that environment. As part of determining the length of time needed in the nonpublic school setting, the IEP team should develop a transition plan for students entering a nonpublic placement to transition to a less restrictive environment. Although it may seem like this phase should occur toward the end of a student's stay at the nonpublic school, it is best practice to begin transition planning even before the student enters the nonpublic school to ensure clarity on what is needed to be successful and create a gradual and seamless move from one environment to another for the child, when he or she is ready. This transition plan should describe the team, the academic supports and interventions, and related services necessary for ensuring a smooth transition to a less restrictive environment.

A student's academic performance is a critical component of the LRE transition process, but it may not be the only relevant factor to consider. Depending on the student's need, transition for some students may require an increase in supports and services (both social-emotional and academic) to fully support the student. Because of the importance of transition planning, the IEP team should focus on effective, integrated, and individualized treatment services for these students to transition to a less restrictive environment successfully. Throughout the transition process, the IEP team should:

a. Develop individualized transition plans with input from the family
b. Jointly review educational records and services
c. Develop a timeline to ensure transition, special education, and related services continue to be provided
d. Consider time-limited wraparound services
e. Provide the student and family with an opportunity to visit the new program site
f. Provide ongoing reviews of student progress during the transition period

Additionally, students should be engaged in this reintegration process. Development of self-termination skills is one way that may help in this process. Self-determination is a concept reflecting the belief that all individuals have the right to direct their own lives. Students who have self-determination skills have a stronger chance of being successful in making the transition to adulthood, including employment and independence.

The capabilities needed to become self-determined are most effectively learned from real-world experience, which inherently involves taking risks, making mistakes, and reflecting on outcomes. These experiences help a young person test his/her strengths and limitations and identify appropriate short- and long-term goals. In addition, youth benefit from open, supportive acknowledgement and discussion of their disability. Too often families, teachers, and other well-intentioned people protect youth with disabilities from making mistakes and avoid discussing the details and potential ramifications of the youth's disability. In order to

direct their own futures, youth need to know themselves and understand how their disability might affect academic learning, relationships, employment, participation in their communities, and need for supports. With this knowledge, they are better positioned to develop plans, make decisions, and learn from experience.

The IDEA supports greater self-determination on the part of students with disabilities by mandating their involvement in the IEP process. One means of building self-determination is to encourage students to participate in or lead their IEP meetings whenever possible. This makes the program their own and increases the likelihood it will be carried out. Resources are available to assist with this process.[19]

Self-Determination

[19] Bremer, Christine, et.al, *Self-Determination: Supporting Successful Transition*, National Center on Secondary Education and Transition (NCSET), April 2003.

The following sections list and describe the three areas the IEP Team should consider when transitioning a student from one environment to another. These areas include: team planning, education planning, and progress monitoring. This planning process guide can assist a team in creating a seamless transition for a student.

A. Team Planning

The first step in transition planning is ensuring that the right individuals are included in the transition planning and collaboration amongst key stakeholders occurs. As the entity responsible for ensuring the student is receiving FAPE, the LEA will need to be involved in all stages of the reintegration process. The LEA, with assistance from the planning team, should bring together key individuals to develop and execute the student's transition plan. In order to accomplish this task, the LEA should:

✓	
	Identify and establish a planning team. In identifying key stakeholders, the LEA should include: the parent, student (when appropriate), LEA representative(s), nonpublic school representative(s), community representatives that are actively involved in the student' life, etc.
	The team should identify a key contact that will oversee the entire reintegration process for the student. However, as noted above, as the entity responsible for ensuring the student is receiving FAPE, the LEA will need to be involved in all stages of the reintegration process.
	Communicate on a regular basis with the planning team. The team should hold meetings to assess the student's progress and identify areas of concern.
	Make sure joint responsibility occurs in developing and executing the student's transition plan.
	Ensure that the student (as appropriate) is an active participant in the transition process.
	Ensure that the family and/or guardians are informed and involved in the transition process.
	Timely transfer all appropriate student records to the appropriate parties.

B. Education Planning

While the student is at the nonpublic school, the team should not assume transition planning can wait until the student has met all of his/her goals or is ready to reintegrate into the LEA. The IEP team should review the IEP and BIP (if applicable) and identify possible difficulties for the student upon returning to the less restrictive environment. In order to accomplish this task, the team should:

✓	
	Ensure the student's IEP/BIP is up-to-date and contains SMART[20] academic and behavioral goals. Review the curriculum of the LEA and make sure the courses taught at the nonpublic school matches the curriculum the student must follow. Additionally, ensure that the appropriate supports and services are available for the student in the next placement.
	Ensure that the transition plan is developed, up-to-date, and appropriate for the student. The team should anticipate increased anxiety and behavioral difficulties and make sure the transition plan addresses those possibilities.
	Ensure that key contacts (e.g., teacher, counselor) are made between the receiving school and the sending school.
	Ensure that all staff working (or who will be working) with the student are knowledgeable of the reintegration plan, IEP, and other pertinent information.
	Ensure all key stakeholders are kept abreast of any changes occurring with the student, both academically and behaviorally.
	Schedule a visit to the receiving school with the student, before the physical transition occurs. Ideally, it is during this time that the student can share concerns, fears or questions he/she may have. During the visit, the student should share his/her transition plan, and other information.
	Identify educational and community resources (e.g., after-school academic enrichment, tutoring, community-based wraparound services, etc.) that the team, student, and family can access to receive additional support in the transition to a less restrictive environment.

C. <u>Progress Monitoring (Pre- and Post-Transition)</u>

Finally, the student's progress in the reintegration process must be continuously evaluated. Once the student has returned to the less restrictive environment, it is imperative to continue monitoring the socio-emotional and academic progress of the student. The transition process is gradual and should be as seamless as possible even after the transition has occurred. In order to accomplish this task, the team should:

✓	
	Plan a welcome meeting with the student and key school personnel before the student arrives, to help the student feel at ease in his/her new surrounding and know who he/she can reach out to in-case of an emergency. This meeting should continue on a

[20] SMART goals are goals that are specific, measurable, attainable, relevant, and time-bound.

	smaller scale and on a regular basis after the student transitions.
	Plan for continued contact with between the student and staff from the previous setting.
	Maintain and encourage frequent communication between schools.
	Convene a meeting to assess the progress of the student in his/her new settings. In this meeting, review the IEP and BIP and determine if changes to the plans need to happen.

Check for Understanding:

- When should IEP Teams begin planning for transition to the LRE?
- What steps should be taken to create an education plan for transitioning to the LRE?

VII. Nonpublic School Payment: Key Information

The purpose of this section is to set forth efficient procedures and guidance to ensure that all invoices submitted by providers of services are reviewed, processed and paid in a timely manner to ensure that services provided to District of Columbia children with disabilities are not interrupted.

Payment for education and related services pursuant to the IDEA is governed by the District of Columbia Municipal Regulations, Title 5-A DCMR Chapters 2800 and 2900, and is a function of OSSE. These procedures apply to all private providers of special education services pursuant to 5-A DCMR Chapters 2800 and 2900, and are the basis for the procedures documented herein.

Each LEA is responsible for payment of special education and related services for students enrolled within its LEA. However, if an LEA places a student in a nonpublic special education school, OSSE is responsible for payment of invoiced services pursuant to the student's IEP and authorization by the LEA. In the case where students are placed by other DC agencies,[21] OSSE will pay tuition and related services, not otherwise covered, pursuant to the students' IEPs and as authorized by the LEA (but not room and board or other residential expenses). Payment for tuition and related services involving other agencies shall be made pursuant to existing agreements with OSSE.

[21] For example, Department of Youth Rehabilitative Services (DYRS), Child and Family Service Agency (CFSA), Department of Health Care Finance (DHCF), or Healthcare Services for Children with Special Needs (HSCSN).

A. Rate Review

Rate review is an annual process by which OSSE establishes the rate that will be paid to a nonpublic school to provide educational services to District students with disabilities. Rate reviews occur prior to each new school year or, in the case of a new provider, upon first time enrollment of a District student. During a review, each educational service provider must submit documentation of its current rates, school calendar, and other relevant information which OSSE will review in order to establish the District's rates. This is referred to as rate "confirmation." The confirmed rates include the rate OSSE will pay for tuition services and the separate rates for various related services provided by the nonpublic school. Confirmation of the rate serves as advisement and as an agreement on the rates an educational provider is expected to apply when invoicing OSSE during the school year. Any rate included on an invoice submission for payment consideration that has not gone through the rate review process will be considered a new and unconfirmed rate, and will be denied until a rate review has been conducted and an OSSE rate confirmation has been issued. As such, payment will not be remitted until the proper review has been completed.

B. Residency

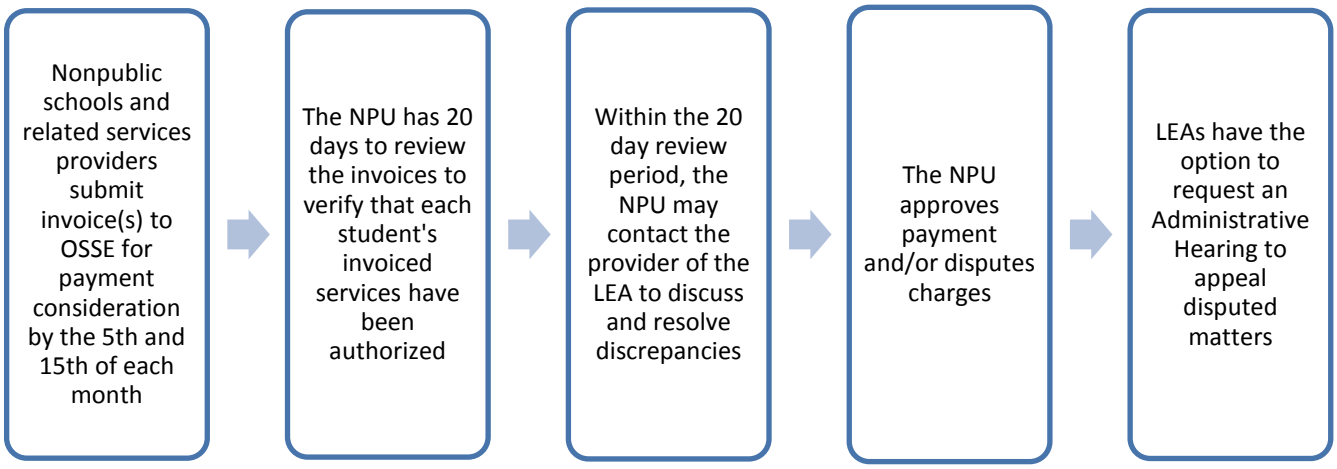
District of Columbia regulations require all District students to provide proof of residency by no later than October 5th.[22] This regulation applies to District students attending nonpublic schools in the District and in other states. The LEA is responsible for requesting, collecting, recording, and reporting proof of residency for all students. Parents are responsible for submitting specific documents, to support proof of residency, to the LEA by the designated deadlines. Students who have not successfully proven DC residency will be considered non-DC residents. As a result, and pursuant to District law and regulations, the District is not responsible for the funding of educational services, including transportation and other related services, of students who are not residents of the District of Columbia. The OSSE Nonpublic Payment Unit (NPU) will notify all nonpublic schools and programs of the intent to cease funding through the invoice submission process when residency is not successfully proven.

Proof of residency documentation should be kept on file at the LEA and nonpublic school. Instances of student failure to prove residency must be reported to OSSE for invoicing purposes. All LEAs should provide notice to the OSSE NPU team, after the final deadline, to report all students who have not successfully proven residency. Upon notification by an LEA that a student has failed to prove residency, the OSSE NPU team will verify that billing has ceased in the monthly invoice submissions. If billing has not ceased, the OSSE NPU will contact the nonpublic school and the LEA to confirm residency status and/or request that charges be removed from the invoice and payment will not be remitted.

[22] 5-A DCMR §§5000.1 and 5002.1.

C. OSSE Payment Process

The OSSE NPU reviews invoices submitted by nonpublic schools, related service providers, and parent reimbursement requests to ensure payment is approved based upon documented authorization for each student. Nonpublic schools must submit invoices to OSSE by the 5th and 15th of each month. Schools must submit invoices that include specific student information, documentation, and advisory notes to support payment. See the Student and Invoice Documentation sections below for additional information on required documents. The OSSE NPU has roughly 30 days to review invoices. Within the 30-day period, if discrepancies are identified, the OSSE NPU will contact the provider to discuss and attempt to resolve all issues, after which payment of services and/or a dispute of the services will be issued. When services are disputed, schools have the option to request an Administrative Hearing to appeal disputed matters.[23]



D. Student and Invoice Documentation

i. The Individualized Education Program (IEP)

The Individualized Education Program (IEP) is the most important document used to record, verify, and validate authorized student services. Although other documents can serve as authorization for services, such as a court order or settlement agreement, the IEP document serves as the most commonly used document to record student services. All prescribed services must be documented on an IEP and entered into SEDS. Once an IEP is finalized, it must be

[23] See Title 5, subtitle A, chapter 29 of the DCMR. Also, more information regarding the policies and procedures for nonpublic payment is available at http://osse.dc.gov/service/nonpublic-payment-unit.

signed by all required parties. A copy of the signatures must also be uploaded into SEDS to legitimize the IEP as part of the official IEP record. When documented in accordance with established IEP procedures, the listed services, comments and notes and signatures serve as the official authorization of prescribed student services.[24] Payment requests for services that are not listed on an IEP, or another authorizing document, can be denied.

ii. Revision of IEP Services

Verbal discussions, handwritten changes, and meeting note decisions regarding a student's services do not serve as official changes to the IEP. Any changes to a student's services after the annual review of the IEP must be documented in a new IEP or revised through the IEP amendment process.[25]

iii. Placement and Location of Service (LOS) Assignments

The prior written notice (PWN) of the student's placement and the location of services assignment must be uploaded into SEDS. Placement and LOS documents must be submitted with the invoice when billing student services. These documents are required as a one-time submission only and must be included with the first invoice submission for the student. Failure to submit the placement and LOS documents will delay invoice processing and payment remission.

iv. Attendance

All LEAs and nonpublic schools are responsible for adherence to local law and regulations, and LEA policies and reporting requirements regarding student absences. All nonpublic schools are required to have knowledge of such policies and regulations.

a. Attendance Records

LEAs and nonpublic schools are required to record and maintain student attendance data.[26] A student's presence, excused absence, unexcused absence, hospitalization, detention, incarceration, enrollment, and discharge should be reported in an attendance record. All nonpublic schools are required to submit an attendance record with every invoice for each billing period that includes notes regarding the absences for each student billed. All nonpublic schools are required to send the same attendance records to both OSSE and the LEA. Failure to submit attendance records with each invoice or for each student will delay payment processing.

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[24] Details regarding the OSSE IEP Policies can be found at http://osse.dc.gov/service/policies-and-regulations.
[25] 34 CFR §300.324. Please also refer to the OSSE IEP Amendment Guidance found at http://osse.dc.gov/service/policies-and-regulations for instructions on how to amend an IEP.
[26] 5-A DCMR 2103.

b. Absence Reasons

All nonpublic schools must report and code student absences in accordance with LEA procedures. Additionally, nonpublic schools must provide an explanation statement for all student absences – excused, unexcused, hospitalizations, detentions, and incarcerations. Reported absences will be considered unexcused unless otherwise noted; thus, it is very important that attendance is properly recorded. Absence explanations or notes should be entered in detail into SEDS and must be included on the attendance record or in a separate document, which must be included with the invoice submission. The same attendance record and absence explanations must be reported to both the OSSE NPU and the LEA, as required, and documented in established attendance policies. Failure to submit absence reasons with each attendance record submission, for each student, will delay payment processing.

c. Billing and Student Absences

If within a 30-day period, a student is absent a majority of instructional days, a nonpublic school may not charge fees for tuition and related services beyond the number of days the student was present. However, if a nonpublic school can provide documented evidence of actions taken, school work provided, and notifications sent to the LEA, in accordance with District regulations, an LEA or OSSE may authorize payment. Failure to provide an explanation for extended or consecutive student absences may result in payment denial.

v. Other Authorizing Documents

At times services are authorized by documents other than an IEP. A Hearing Office Determination (HOD), Court Order, Settlement Agreement (SA), or an Independent Education Evaluation (IEE) notice or Funding Letter may also serve as authorization for services. When this is the case, a nonpublic school must submit a copy of the applicable document to support payment. A copy of these documents can be obtained from the placement agency or LEA.

vi. Independent Related Service Providers

The nonpublic school which the student attends is expected to be the provider of all IEP prescribed services. If a nonpublic school cannot provide a service through the use of staff y employed by the nonpublic school, the LEA should be immediately advised. In such case, the nonpublic school may, with review and approval of the LEA, contract with an independent related service provider. Pursuant to the contractual relationship with the nonpublic school, the independent related service provider must bill the nonpublic school and cannot directly bill OSSE. The nonpublic school may submit the charges to OSSE in their regular monthly invoice. In turn, the nonpublic school is responsible for the remittance of payment to the outside provider and is responsible and liable for all agreements made with the independent provider. Neither OSSE nor the LEA is considered a party to this type of contractual relationship.

vii. Travel

OSSE may fund student or parent travel between the student's DC home residence and the student's out-of-state residential school location. Funded travel is available to students and parents of students in residential placements only. When approved, parents/schools must be willing to expend out-of-pocket expenses to complete travel or the residential school may agree to pay the expense on behalf of the student or parent. Travel will be funded only as a reimbursement to a parent or residential school. Payment in advance of travel is not permitted. Travel funding is separate and apart from transportation as a related service to and from school daily, as documented in an IEP.

All travel must be submitted to, reviewed, and approved by the LEA prior to actual travel. Travel that has not been properly approved by the LEA will not be reimbursed. Full details regarding the travel process can be found on the OSSE website at: http://osse.dc.gov/publication/procedures-and-guidance-processing-invoices-nonpublic-schools-and-programs-provide.

Check for Understanding:

- What information is required when submitting invoices to the Nonpublic Payment Unit?
- What documentation regarding student absences must be submitted?

VIII. Medicaid Reimbursement and Recovery

The District of Columbia's Medicaid program allows for Medicaid reimbursement for services needed to correct or ameliorate defects of physical or mental illnesses or conditions. These services are deemed allowable and reimbursable when provided to Medicaid eligible students who were referred by a qualified healthcare professional practicing within the scope of their field. These services must also be outlined in an IEP.

School-based health services (SBH) are provided to students between the ages of 3 and 22 and are delineated in the District of Columbia's Medicaid State Plan Amendment (SPA).

In the District of Columbia, the Federal government pays 70% of Medicaid costs on average and the District pays the remaining 30% with local funds. In essence the District is able to recover 70% of all valid claims as long as the claims pass all validations and meet the timely filing deadline.

OSSE is responsible for the processing and payment of invoices for related services delivered to students in nonpublic special education schools (day and residential) and public schools in

surrounding counties. As such, OSSE will be submitting school-based health service claims for students receiving Medicaid eligible services in the Nonpublic programs.

The National Center for Medicare and Medicaid Services (CMS) requires that all claims for payment for items and services that were ordered or referred contain the National Provider Identification (NPI) number of the physician or other professional who ordered the service. To this end, OSSE will be requiring that all providers who are ordering or rendering services apply for an NPI number. The NPI number database checks/verifies licensure, licensure sanctions, and limitations/scope of practice within the Department of Health's licensing board. To apply, providers can visit https://nppes.cms.hhs.gov/NPPES or call 1-800-465-3203.

A. Medicaid Covered School-based Health Services

There are 11 Medicaid covered school-based health services in the District of Columbia:

i. Audiology - Audiology services covered include special education related services and screenings necessary for identifying and treating a child with hearing loss.

ii. Nutrition Services - Covered services include services and screenings relative to a medical condition that are provided by or under the supervision of a dietician.

iii. Behavioral Supports (Counseling Services) - Covered services include screenings and services provided by, or under the supervision of, social workers, psychologists, guidance counselors, or other qualified personnel.

iv. Occupational Therapy - Covered services include special education related services and screenings intended to improve and prevent initial or further loss of function that are provided by qualified occupational therapists or occupational therapy assistants or aides under the supervision of qualified occupational therapists.

v. Orientation and Mobility - Covered services include services and screenings that enable blind or visually impaired children to gain systematic orientation to, and safe movement within, their school environment.

vi. Personal Care - Covered services include services and screenings provided in accordance with 42 C.F.R. §440.167. These services may be provided by a Personal Care Aide, but the Personal Care Aide must be supervised by a Registered Nurse who meets licensure requirements.

vii. Physical Therapy - Covered services include special education related services and screenings provided by or under the supervision of a qualified physical therapist.

viii. Psychological Evaluation - Covered services include services and screenings provided by or under the supervision of qualified psychologists.

ix. Skilled Nursing - Covered services include services and screenings rendered by or under the supervision of qualified practitioners. A practitioner is qualified if he or she meets the state licensure requirements. These services include the administration of physician ordered medications or treatments to qualified children who require such action during the school day in accordance with their IEP.

x. Specialized Transportation - Covered services include transportation services that are designed to provide home-to-school-to-home transport for students with IEPs who receive a school-based health service. OSSE will be claiming for transportation services when specialized transportation service is included in a child's IEP, and a child has a specific school-based health service on the date that the transportation service is provided. There is no prescription/referral/recommendation requirement for specialized transportation, other than inclusion of the service on the IEP.

xi. Speech Language Pathology - Covered services include service and screenings provided to eligible children by or under the supervision of a qualified speech-language pathologist.

For Nonpublic programs outside the District of Columbia, the provider must be qualified to provide their service under their state law.

B. Valid Medicaid Claims

For A Claim To Be Valid:

i. The student receiving the service must be enrolled in the Medicaid program.

ii. The student must have an IEP and the services must be specified in the IEP and/or assessments/evaluations.

iii. The service must be prescribed, referred, and/or recommended by a physician or other licensed healthcare practitioner within the scope of his or her practice under state law.

iv. The services must be provided by a practitioner who meets Medicaid-qualified provider criteria and who is qualified to provide the service under applicable State licensure or certification requirements. For Nonpublic programs outside the District of Columbia, the provider must be qualified to provide their service under their state law.

v. A valid signed parental consent to bill Medicaid must be on file.

vi. The agency must send written notification to the parent before public benefits are accessed and annually thereafter.

C. Invalid Medicaid Claims

Claims Can Be Rejected for the Following Reasons:

i. Incomplete or incorrect documentation (e.g., missing signature, illegible signature, missing or incorrect date, duration, and location of service, missing parental consent, no service prescription or referral, service not in IEP).

ii. Submission of a claim past a billing deadline.

iii. Ineligibility for Medicaid during the dates of service.

iv. Missing progress notes for dates of service.

v. Lack of documentation of appropriate provider qualifications.

D. Nonpublic School Medicaid Responsibilities

Nonpublic programs are responsible for providing services listed in a student's IEP. OSSE is responsible for the processing and payment of invoices for related services delivered to students in nonpublic special education schools (day and residential) and public schools in surrounding counties. In order for OSSE to receive reimbursement from Medicaid, the Nonpublic School must:

i. Identify Medicaid Eligible Students

Assist the LEA in the identification of students receiving special education services that are Medicaid-eligible.

ii. Obtain Parental Consent

Nonpublic programs are responsible for obtaining a **one-time parental consent**. The onetime parental consent describes the intent of the public agency to access the child's public benefits

or insurance to pay for services under the IDEA. If the parent or guardian approves, the consent also describes the right to revoke their consent at any time.

All signed parental consent forms must be uploaded into the student's record in SEDS which is maintained by OSSE. It is recommended that the Nonpublic school include OSSE's Medicaid consent form in the enrollment process or at annual IEP meetings for convenience.

Additionally, the public agency must also provide **written notification** before they access the child's or parent's public benefits and annually thereafter. This is recommended to be done during the annual IEP meeting or the enrollment process.

iii. Ensure Providers Meet Licensure Requirements

Medicaid reimbursement can be sought for related service assessments and delivery as specified in the SPA for school-based health services. However, in order to receive reimbursement for these services, they must be prescribed, referred, and/or recommended (depending on the type of service) by a physician or other licensed health care practitioner within the scope of his or her practice under state law.

iv. Maintain Records

A Nonpublic's special education program shall keep organized and confidential records, for each student, which details specific information regarding all Medicaid reimbursable services provided to each individual recipient. Documentation shall include:

a. The student's complete IEP
b. All evaluations and screening reports
c. Progress Notes
d. Billing Records
e. Practitioner credentials for each service provider
f. Service Encounter Documentation

Service Encounter Documentation includes the following:

- Nonpublic Program's Name – Name of the nonpublic program where services are provided.
- Student Name – Student's complete legal name.
- Date of Birth – Student's complete date of birth.
- Student Medicaid Number – Student's Medicaid Identification Number.
- Date of Service – The date a Medicaid service was provided to the student.
- Type of Related Service Provided – One of the 11 covered school-based health services.

- Student's progress towards specific clinical objectives – progress notes should be dated, signed, and reflect the degree of measurable progress towards student treatment goals.
- Activity/Procedure Note – written description of the service provided to the student. This must document the extent and duration of the medical service provided.
- Service Setting (Group/Individual) – Indicate if the student received services on an individual basis or in a group setting.
- Service Time – The quantity of service provided to the student should be recorded as an amount of time (e.g. 20 minutes). This can capture the cumulative time the provider spent delivering services over the course of the day.
- Name and clinical discipline of the service provider – The service provider must be qualified under applicable State licensure or certification requirements.
- Signatures – Providers whose services require supervision must have documentation cosigned in accordance with the applicable standards for the provider type.
- Attendance Report – An attendance report including all of the specific days of attendance and absence for each student.

E. Medicaid Audits

Each year, the District of Columbia Department of Health Care Finance (DHCF) performs an audit on agencies that submit claims for Medicaid reimbursement. As the Medicaid provider responsible for submitting claims, OSSE will be audited by DHCF. The auditors will review all the necessary documentation related to a sample of Medicaid claims, including student attendance data, IEPs, consents to bill, timesheets for providers, provider licenses, and documentation of services. The auditors select a sample of claims that the agency is required to provide with all related documentation. Lack of documentation can result in disallowances, meaning that funds previously reimbursed to the agency for services in that fiscal year will be withheld from future Medicaid reimbursements to that agency.

Nonpublic programs must maintain all records in SEDS. All records relating to the delivery of services reimbursed by Medicaid must be retained for at least six (6) years from the date of service. All records must be retrievable and made available upon audit.

For any questions regarding Medicaid Recovery, please contact medicaid.osse@dc.gov.

IX. **Appendices**

Appendix A: Nonpublic Annual Certificate of Compliance 48

Appendix B: Instructional Staff and Related Service Providers Qualifications Table 52

Appendix A: Nonpublic Annual Certificate of Compliance

The school makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174) and the District of Columbia Municipal Regulations (Subtitle A, Title 5 DCMR Chapter 28) as indicated by the Chief Executive Officer's initials **in each space below.**

Pursuant to D.C. Official Code §38-2561.09, OSSE shall schedule periodic monitoring visits to each nonpublic special education school or program at least once during the validity of each certificate of approval to verify compliance with this chapter, federal and local law. Further, representatives of OSSE may make unannounced visits to a nonpublic special education school or program, review student records, and conduct interviews with students and staff. OSSE as the District of Columbia's SEA, is entitled to immediate access to all student records for monitoring and investigative purposes and shall maintain their confidentiality as required by law. The nonpublic special education school or program shall cooperate in full with any requests for documentation, file review, interviews and access to the facility during an unannounced visit, pursuant to 5 DCMR §A-2837.2.

Initials	Assurances
	The school will adhere to and maintain policies and procedures in conformance with the attendance and truancy policies and procedures of the LEA of enrollment and the District of Columbia as set forth in chapter 21 subtitle A of Title 5 of the DCMR, as required by 5 DCMR §A-2821.2.
	The school will submit to the child's LEA of enrollment and OSSE the same attendance record at the time an invoice is submitted to OSSE for payment, and the roster shall accurately reflect each student's attendance for every regular instructional school day for the respective billing cycle, identifying excused and unexcused absences, as required by 5 DCMR §A-2821.3.
	The school calendar includes a minimum of one hundred eighty (180) regular instructional days, exclusive of any extended school year period mandated by an IEP, as required by 5 DCMR §A-2806.1
	Each regular instructional day is at least six (6) hours in length for students, inclusive of time allotted for lunch periods, recesses, and class breaks, except that the six (6) hour minimum instructional day requirement shall not be applicable to any evening school program, prekindergarten program, or other alternative program approved by OSSE, as required by 5 DCMR §A-2806.2.
	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, as required by 5 DCMR §A-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, as required by 5 DCMR §A-2823.3.
	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

Initials	Assurances
	be available to OSSE upon request, for the purposes of monitoring compliance with the requirements of this chapter, as required by 5 DCMR §A-2823.4.
	The school provides education that meets the standards that apply to education provided by the State educational agency (SEA) and LEAs (the school teaches the District of Columbia Standards of Learning), as required by 34 CFR §300.146(b).
	The school ensures instructional alignment with the District of Columbia's learning standards, grades, promotion, and graduation requirements, consistent with Title 5 of the DCMR, including compliance with any amendments to these respective policies, procedures and rules, as required by 5 DCMR §A-2805.1.
	The school makes available all resources and materials necessary to accommodate students with disabilities, as required by 5 DCMR §§A-2807.1 and 2807.2.
	The school adheres to the grades and promotion policies and procedures of the LEA of enrollment in which each student is enrolled as well as state graduation requirements, as required by 5 DCMR §A-2813.1.
	Every District of Columbia student with an individualized education program (IEP) enrolled at the school will be appropriately included in either the District of Columbia statewide assessment system or alternate assessment approved by OSSE, as required by 5 DCMR §A-2812.1.
	The school will administer statewide assessments according to the test security guidelines published by OSSE, as required by 5 DCMR §A-2812.2.
	For students who have an IEP in effect when the child turns 16, the IEP will include appropriate measureable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and the transition services (including courses of study) needed to assist the child in reaching the goals, as required by 34 CFR §300.320(b).
	IEP planning and service delivery by the school is designed to support a transition of the student to a less restrictive setting when determined appropriate by the IEP team; and students' transition status is considered at least annually as a component of annual IEP review, as required by 5 DCMR §A-2810.1.
	The school will collaborate with each student's LEA of enrollment to ensure that extended school year services are provided, as necessary, on an individual basis, to each child in accordance with the child's IEP, as required by 34 CFR §300.106.
	The school does not use aversive interventions, specifically noxious, painful, intrusive stimuli or activities that result in pain; any form of noxious, painful, or intrusive spray or inhalant; electric shock or use of a graduated electronic decelerator; pinches and deep muscle squeezes; withholding adequate sleep, shelter, clothing, bedding, or bathroom facilities; withholding meals, essential nutrition, or hydration, or intentionally altering staple food or drink to make it distasteful; or the use of chemical restraints, instead of positive programs or medical treatments, as prohibited by D.C. Code §38-2561.01.
	The use of physical restraint is used only in emergency circumstances and included in the student's IEP to address specific behaviors under defined circumstances, and the use by appropriate staff is consistent with the student's IEP; and the intervention is necessary to protect the student or other

Initials	Assurances
	person from imminent, serious physical harm; and other less intrusive, nonphysical interventions have failed or been determined inappropriate, as required by 5 DCMR §A-2816.1.
	Physical restraint is applied only by school personnel who are trained and certified in the appropriate use of specific, authorized techniques, as required by 5 DCMR §A-2816.2.
	The school does not administer physical restraint to a student with a medical or psychological condition contraindicative to restraint, as required by 5 DCMR §A-2816.5.
	The school does not administer physical restraint to a student with a history of sexual or physical abuse, as required by 5 DCMR §A-2816.7.
	The school does not use any form of mechanical restraint on District of Columbia students, as prohibited by 5 DCMR §A-2817.1.
	The school does not use any form of prone restraint on District of Columbia students, as prohibited by 5 DCMR §A-2818.1.
	No form of seclusion will be used on a District of Columbia student unless it is an emergency as defined in 5 DCMR §A-2819.1.
	If seclusion is used, the space used for seclusion is free of objects and fixtures with which a student could self-inflict bodily harm, provides school personnel an adequate view of the student from an adjacent area, provides adequate lighting, ventilation, and appropriate temperature controls, as required by 5 DCMR §A-2819.2.
	If the school's space for seclusion has a locking mechanism, it is only engaged when it is held in position by a person, or if electronically engaged, automatically releases if the building's fire alarm system is activated, as required by 5 DCMR §A-2819.6.
	If any form of restraint or seclusion is used, the school will prepare and file a written report including the student's name, the date of the incident, the beginning and ending times of the incident, the beginning and ending times of the actual restraint or seclusion, a description of relevant event leading up to the incident, a description of any interventions used prior to the implementation of restraint or seclusion, a log of events during the restraint including restraint techniques used, a log of events during the seclusion, a description of any injuries (whether to students, personnel or others) and/or property damage, a list and signatures of the school personnel who participated in the implementation, monitoring, and supervision of the restraint or seclusion event, and a description of the short-term planned approach to addressing the student's behavior in the future, as required by 5 DCMR §A-2820.2.
	The school provides information to each student with full and up to date information about its program, including at minimum its academic policies, IEP process, policies on behavior management, student rights and privileges and the process for making a confidential complaint about the services or treatment he or she is receiving at the school or program, as required by 5 DCMR §A-2826.1.
	The school provides information to every parent with complete and up to date information about its program, including at minimum its academic policies, IEP process, policies on behavior management, student rights and privileges and the process for a parent to make a confidential complaint about the services or treatment a student is receiving at the school or program and provides information to parents regarding monitoring by OSSE, including the fact that students may

Initials	Assurances
	be asked to participate in interviews or other fact-gathering activities with OSSE representatives, as required by 5 DCMR §A-2827.
	The school cooperates with LEAs to maintain each enrolled student's IEP in SEDS, as required by 5 DCMR §A-2808.2.
	The school has appropriately covered, discarded or deemed any lead-based paint inactive, if the substance has been identified in an inspection, as required by 5 DCMR §A-2828.1.
	The school is in compliance with the Americans with Disabilities Act (ADA), as required by 5 DCMR §A-2801.1.
	The school is in compliance with Section 504 of the Rehabilitation Act of 1973, as required by 5 DCMR §A-2801.1.
	The school acknowledges consequences for providing false, misleading, or incomplete information, or failing to provide information requested by the SEA or DCPS as outlined in D.C. Code §38-2561.11(a)(2).
	The school adheres to all federal and District of Columbia laws, regulations and guidance governing Medicaid reimbursable services, as required by 5 DCMR §A-2834.
	The school invoices OSSE according to provisions in 5 DCMR §A-2833.
	The school maintains personnel files including evidence of child protective service and criminal background checks as required by 5 DCMR §A-2823.4.
	The school will notify OSSE in writing and submit an application to amend its certificate of approval before a change of circumstances occurs according to the provisions in 5 DCMR §A-2803.4
	The school obtains written authorization from the responsible LEA to hold a placement open and to continue billing for tuition if a student has accrued ten (10) unexcused absences at any time during the school year; or seven (7) consecutive unexcused absences, as required by 5 DCMR §A-2821.12.
	The school adheres to and maintains policies and procedures in conformance with the attendance and truancy policies and procedures of each LEA of enrollment according to the provisions in 5 DCMR §A-2821.3.
	If the school serves students from multiple District of Columbia LEAs, the school either (**check only one**): ☐ Applies the LEA of enrollment's policy to each student enrolled in that LEA; **or** ☐ Selects one (1) District of Columbia LEA of enrollment's attendance policy to apply to all students attending the school and provides a written notification of such designation to each LEA and OSSE according to the provisions in 5 DCMR §A-2821.4. Please specify LEA used: _____

_____ _____

Signature Date

Printed Name: _____

Name of Nonpublic School: _____

Appendix B: Instructional Staff and Related Service Providers Qualifications Table

School Name:

Completed by: **Title:** **Date Completed:**

Directions:

1. Use one row for each instructional staff member or related service providers
2. Provide proof of certification for each staff member listed below
3. Add additional rows, if necessary

Name of Staff Member	Position Held	Hours (FT/PT)	Subject(s)/Grade(s) Taught (if applicable)	Certification Area(s)	Certification Status[1]	Certification Grade Level(s) (if applicable)	State(s) Issuing Certification(s)	Expiration Date(s) of Certification(s)

[1] Certification Status: P=Provision, PR=Probationary, S=Standard, F=Full, O=Other *(Please Indicate)*
[2] K-12, Secondary, etc.