

NON-REGULATORY GUIDANCE TO THE POLICIES AND PROCEDURES FOR PLACEMENT REVIEW, REVISED

The Office of the State Superintendent of Education, Department of Special Education (OSSE DSE) issued the "POLICIES AND PROCEDURES FOR PLACEMENT REVIEW, REVISED (PPPR)" on January 5, 2010.¹ The policy clarifies the roles and responsibilities of every Local Education Agency (LEA) when considering a change in placement to a more restrictive learning environment outside the LEA. The purpose of this guidance document is to provide additional clarification to assist LEAs in implementing the policy in a manner consistent with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq.

Frequently Asked Questions (FAQ)

1. What is a change in placement (CIP)?

A CIP is a determination made by an Individualized Education Program (IEP) team regarding the appropriateness of a student's learning environment. All determinations related to placement must comply with the federal mandate that all states provide a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) to all students with disabilities.² For the purposes of the policy, CIP requests should be submitted to the OSSE DSE only when an IEP team is considering placement to a more restrictive learning environment outside the LEA such as a nonpublic placement.³

2. What is a nonpublic placement?

A nonpublic placement is a privately owned or operated school or program that offers instruction to students with disabilities. The term nonpublic placement does not include a privately owned or operated school or program whose primary purpose is to provide educational services to students without disabilities, even though the school or program may serve students with disabilities in a regular or general academic setting.⁴

3. What is the purpose of a Justification for Removal Statement (JRS)?⁵

The purpose of a JRS is for the LEA to present the OSSE DSE with evidence of a robust decision making process related to the determination that a more restrictive learning environment in a nonpublic placement is necessary for a student's educational success. All of the information required by the PPPR should be presented in a thoughtful concise manner, including strategies that the IEP team will utilize to support (*Continued on Page 2*)

¹ The first version of the policy was effective as of October 1, 2008.

² For more information regarding the provision of FAPE in the LRE, please reference the Least Restrictive Environment and Inclusion Policy, Memorandum No. 09-004.

³ The OSSE, in its role as the SEA, has the authority to implement the policy in the manner which best ensures beneficial student outcomes in compliance with the IDEA's LRE provisions. Each school should follow guidelines set by its LEA. A public charter school that has elected the District of Columbia Public Schools (DCPS) as its LEA for special education purposes (District Charter) should follow guidelines set by DCPS.

⁴ D.C. Code §38-2561.01

⁵ A JRS must include 1) a description of the student's special education and related service needs; 2) a description of the services that have been considered by the team and implemented as strategies for success in the general education classroom or LRE; 3) a description of any specific placements and/or locations under consideration or requested by the parents and/or the LEA; and 4) a description of provisional plans for reintegration back into a less restrictive learning environment.

(Continued from Page 1) reintegration back into a less restrictive learning environment in a timely and appropriate manner.

4. Are LEAs required to complete all components of the JRS before the OSSE DSE will begin to process the CIP request?

Yes. It is imperative that all sections of the JRS be answered completely. Incompleteness will cause a delay in processing. The placement review specialist assigned to the request will inform the LEA if any part of the JRS needs to be resubmitted for a more sufficient response and/or clarification. LEAs that need assistance completing or understanding a specific component of the JRS before submission may contact the OSSE DSE at (202) 741-0478.

5. What is the timeline between the submission of a JRS and the CIP meeting?

To ensure that the OSSE DSE has adequate time to review all relevant information, the policy requires a minimum of thirty (30) calendar days between the submission of a JRS and the occurrence of the CIP meeting. During this period of review, the OSSE DSE may conduct, when necessary, extensive document review, informal meetings with family and stakeholders, and classroom observations of the student.⁶

6. What is the procedure for requesting a CIP if a parent, rather than the LEA, initiates the request?

The policy was written to articulate the procedure that LEAs must follow to initiate a CIP request. However, the procedure for requesting a CIP remains the same regardless of whether the LEA or a parent initiates the request. When an LEA receives a request from a parent, it should proceed with the submission of a JRS that clearly outlines the parent's concerns and the steps the LEA has taken to attempt to address those concerns, and any parent recommendations regarding potential placement locations. The OSSE DSE will respond in the same manner and adhere to the same timeline regardless of whether the request originates from an LEA or a parent.

7. Why would the OSSE DSE meet with the school, family, and other stakeholders?

The OSSE DSE may decide to meet informally with the school, family, and other stakeholders prior to the CIP meeting in order to gain a well informed perspective of the student's needs. Input from key decision makers in the student's life often leads to targeted suggestions regarding additional instructional strategies and/or related service provision that may meet with success, recommendations for technical assistance, and the determination of the appropriate educational environment. The OSSE DSE will utilize this information to support and advise the IEP team's placement decision.

⁶ A situation may arise in which an LEA requests expedited processing. The OSSE DSE will consider the appropriateness of such a request and proceed as necessary on a case-by-case basis.

8. When does the OSSE DSE issue a state recommendation on whether a CIP is warranted?

Typically, the state recommendation is provided at the CIP meeting, after the IEP team has had the opportunity to discuss any outstanding issues regarding the student's case and before the IEP team makes its placement decision. The state recommendation will indicate whether the requested CIP, from the State's review of the case, is "warranted" or "not warranted." This collaborative process allows the IEP team to consider the recommendation as one of many factors informing its placement decision.

9. What happens after the OSSE DSE issues a location assignment?

Once the OSSE DSE issues the location assignment letter, the LEA must issue a Prior Written Notice (PWN) to all parties. After the PWN has been issued, the receiving school may begin serving the student immediately, unless there are alternate arrangements made between both schools.

10. What happens if an IEP team disagrees with a state recommendation?

The OSSE DSE's role in the placement process is advisory in nature; a state recommendation of whether a CIP is warranted does not override an IEP team's subsequent decision regarding placement.

11. What happens if a parent disagrees with an OSSE DSE's location assignment?

The policy does not affect a parent's right to dispute the location assignment. The parent still holds the same legal rights that apply to every aspect of the special education process. Therefore, if a disagreement occurs, the parent can request mediation, file a state complaint, or file a due process complaint.⁷

12. How long should a student remain in a nonpublic placement?

The IEP team determines the length of time a student should remain in a learning environment that is more restrictive than the previous placement at the LEA. Under the IDEA, a student's placement must be reviewed at least annually, should be based on the student's IEP, and should be located as close as possible to the student's home.⁸ The OSSE DSE expects LEAs to monitor student progress and adhere to the provisional plans for reintegration as outlined in the JRS and as modified during the LEA's continued monitoring of the student's progress in the nonpublic placement.⁹ Keeping a student in a more restrictive learning environment longer than necessary is a violation of the IDEA requirements related to the provision of LRE and FAPE.¹⁰

⁷ 34 C.F.R. §§300.506, 300.507

⁸ 34 C.F.R. §300.116(b)

⁹ 5 D.C.M.R. §3019.9

¹⁰ 34 C.F.R. §§300.101, 300.114

- 13. What are an LEA's responsibilities when a student is placed in a nonpublic facility?**
The LEA is responsible for providing FAPE to the student before, during, and after placement in a nonpublic school, unless the parent enrolls the student in another LEA.¹¹ When the IEP team decides to move forward with a CIP, it must formally develop a transition plan that will assist the student in adjusting and succeeding in the new educational setting. Additionally, the IEP team is responsible for regularly monitoring the student's progress as required by the IDEA, through the IEP process, in order to formally develop, revise as appropriate, and implement a reintegration plan that ensures the student's timely return to the LEA. It is also the responsibility of the LEA to take the appropriate steps to allow nonpublic staff access to the student's file in the Special Education Data System (SEDS); see Question 14 for more information on changes in SEDS.
- 14. What are the steps an LEA should take in regards to SEDS or "EasyIEP" for a student placed in a nonpublic facility?**
Once OSSE DSE has issued a location assignment and the LEA has issued a PWN to all relevant parties, the LEA should take the following steps to allow nonpublic staff access to the student's record in SEDS:
- A. An LEA representative must notify the SEDS team of the new placement by submitting an e-mail to Lori.Ludwick@dc.gov AND Tara.Beaner@dc.gov, with the following information:
- i. Student Name;
 - ii. Student Identification Number;
 - iii. Effective date of placement;
 - iv. Copy of the location assignment and acceptance letter (the LEA must also fax these documents into SEDS using the standard "Miscellaneous Cover Sheet" form);
 - v. Nonpublic school name and contact information (i.e. name, email, and title of a contact at the nonpublic school who will access the student's records); and
 - vi. Type of access to provide to nonpublic staff (edit or view only rights).¹²
- NOTE: The LEA should not withdraw the student from OLAMS or STARS, as the student remains enrolled in the LEA.
- B. Upon receipt of the LEA e-mail notification of the nonpublic placement, a SEDS representative will email the nonpublic school contact to obtain a list of the staff members who will need access to the student's SEDS record. The nonpublic facility will be asked to provide relevant staff information (i.e. names, titles, and email addresses).
- C. Within one (1) business day of receiving the information from the nonpublic facility, the SEDS representative will provide appropriate access to the student record in SEDS to each nonpublic staff member identified and send a confirmation email to both the LEA and nonpublic contacts of the changes.

¹¹ 5 D.C.M.R. §3019.9

¹² An approved nonpublic special education school shall be provided access to SEDS as determined appropriate by the sending LEA, and shall cooperate with the LEA to maintain each enrolled student's IEP in that data system.

15. **What are an LEA's responsibilities when a student is ready to return to the LEA?**
Procedurally, when the IEP team believes a student is ready to return to the LEA, the LEA and nonpublic IEP team members should convene, as they must revise the IEP, review the transition plan to ensure its appropriateness, issue a PWN and initiate the return based on timeframes determined by the IEP team. The LEA should contact the SEDS team with the effective date of the placement change and request the removal of the nonpublic's staff access to the student's records.
16. **Who is eligible for transportation services to and from the nonpublic placement?**
Eligibility for transportation services is different from eligibility for special education services. Students who qualify for special education services do not automatically qualify for transportation services. It is the IEP team's responsibility to determine if transportation, as a related service, is necessary in order for the student to receive FAPE and benefit from special education. Distance alone is not a sufficient rationale for including transportation on the IEP.¹³ If the IEP team decides transportation is a necessary related service, a statement to that effect must be included, along with the agreed upon transportation plan, in the student's IEP. Please see OSSE DSE's Related Services Policy issued January 5, 2010¹⁴ for additional guidance.

Additional Guidance

For additional information, please reference the "POLICIES AND PROCEDURES FOR PLACEMENT REVIEW, REVISED" located on the OSSE website at <http://www.osse.dc.gov>. Please direct any questions regarding the content of this document to **Grace Chien, LEA Charter Policy and Implementation Specialist**, at (202) 741-5098 or by email at Grace.Chien@dc.gov.

¹³ Nonpublic placements should be located as close as possible to the student's home. 34 C.F.R. §300.116(b)(3)

¹⁴ <http://www.osse.dc.gov/seo/cwp/view,a,1222,q,561151.asp>