

■ PRACTICE KIT 6 ■

EDUCATION TOOLKIT

Revised August 2018

**PRACTICE KIT 6
EDUCATION TOOLKIT
*August 2018***

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Introduction

The Education Practice Kit's Purpose and Organization

Welcome to the 9th edition of Children's Law Center's Education Practice Kit, updated as of August 2018. This Practice Kit aims to provide DC child welfare practitioners with easy access to many of the educational resources attorneys and other advocates may need to monitor and address the educational rights and needs for youth. This Practice Kit is primarily designed to serve as a resource for Guardians *ad litem* ("GALs") and attorneys navigating the educational landscape for youth in DC's foster care system or students attending school in the District of Columbia or immediate surrounding school districts. We encourage education attorneys seeking litigation resources, case law, or specific forms not available in this Practice Kit to consult Children's Law Center's Special Education Pro Bono Attorney Training Manual, located on the Children's Law Center's website (<https://www.childrenslawcenter.org/resource/special-education-pro-bono-attorney-training-manual-2018>).

In previous iterations, we aspired to make the Education Practice Kit a "one-stop-shop" for all information pertaining to educational issues affecting students and youth in care and included volumes of forms, documents, and policies as attachments to the Practice Kit. As with the 2017 edition, in this edition, we endeavored to make the Education Practice Kit more user-friendly. We streamlined the Practice Kit to include only the most salient information that may be pertinent to your client work. In reorganizing this Practice Kit, we deliberately removed those attachments that can be found online; in their place, we created documents with links to the relevant websites where you can find particular resources online. There is a document providing all relevant websites to a particular topic at the end of each section. If there are particular documents we have determined to be of utmost importance that are not readily available online, we selectively included them as attachments to this Practice Kit. We believe these changes will enhance your user-experience as you navigate this Practice Kit. If you are seeking particular resources that are not included in the Education Practice Kit or Children's Law Center's Special Education Pro Bono Attorney Training Manual, please contact Children's Law Center's to request the specific documents, and a member of our staff will graciously assist with your request.

For ease of use, we have divided the Practice Kit into different sections based on key topical issues (*i.e.*, school enrollment, school stability, school discipline, etc.). Each section includes: 1) a Section Overview document which summarizes the documents and material included in the section folder and provides a brief summary of the legal citations and resources you may need to reference for more information on the topic; 2) any tips sheets, information sheets, or worksheets the Children's Law Center has created on the topic for practitioners' use; and 3) a document listing

descriptions and corresponding website links for any relevant external resources you may wish to access directly. The Table of Contents provides a comprehensive landscape of the Practice Kit's offerings for ease of use.

The resources identified in the Education Practice Kit are primarily resources from the District of Columbia Public Schools and DC public charter schools. However, since many DC wards attend school in Maryland's Prince George's County, we have also included links and references to PG County Public Schools' policies and certain key Maryland law and regulations where possible.

We have attempted to locate the most current and up-to-date information in all of the areas covered in this Practice Kit to ensure the information is current as of August 2018. This year's edition includes key legislative updates in the District of Columbia, including the Student Fair Access to School Amendment Act of 2018 and now-implemented provisions of the Enhanced Special Education Services Act of 2014. However, the educational landscape frequently changes. As such, practitioners should independently verify the currentness of guidance and materials contained in this Practice Kit before employing these resources in practice.

We hope you find the contents of the Education Practice Kit useful, and appreciate feedback as to how we can improve this resource in years to come.

Overview

School and Program Information

This section of the Toolkit aims to provide you with some useful information regarding when schools are in session and how to contact key players and offices in both the District of Columbia and Prince George's County public school districts. Please note that more extensive public school listings, school profiles, and information about how to apply to specialized programs, charter schools, and schools outside of your client's neighborhood boundary are available on the school district or the DC Public Charter School Board's websites at:

DC Public Schools: <http://www.dcps.dc.gov>

DC Public Charter School Board: <http://dcpcsb.org>

PG County Public Schools: <http://www1.pgcps.org>

This section also includes information related to non-traditional school programs, which are not as easy to find on any one website. Programs included are special education private school listings in the state of Maryland and the OSSE-approved special education non-public and psychiatric residential treatment facilities in the DC metropolitan area, credit recovery programs, (including online courses and summer school), and information about how to obtain a General Education Diploma (GED) in both the District of Columbia and in Maryland.

CLC Tip Sheet

School Calendars

District of Columbia Public Schools (2018-2019 SY)

Please see link below for DCPS's academic calendar:

<https://dcps.dc.gov/publication/2018-19-traditional-calendar>

Prince George's County Public Schools (2018- 2019 SY)

Please see link below for PGCPs's academic calendar:

<http://www.pgcps.org/2018-2019-calendar-as-grid/>

CLC Tip Sheet

Things You Should Do to Monitor Your Client's Education

Before the School Year Begins:

- ◆ Ensure the child is enrolled in an appropriate school and that all necessary tuition contracts and registration paperwork has been completed.
- ◆ Inquire about any orientations or welcome sessions.
- ◆ Ensure your client has the required school uniform, supplies, etc.
- ◆ Ensure the school has a copy of your client's IEP or 504 Plan. Do not assume the school will timely receive copies of school records from the child's previous schools. If there are particularly significant evaluations or if your client has a history you want the school to be aware of, provide that information to the school as well with a detailed cover letter. Provide that letter and documentation to the Registrar, the individual the school identifies as responsible for special education services or the principal if no other contact is identified, and retain a copy for yourself.
- ◆ Make sure your client has transportation to and from school if needed. If your client is receiving transportation through the District of Columbia Public Schools, call the Parent Resource Center a few days before the start of school to confirm your client's route number and pick up time.
- ◆ Make sure your child has a plan for aftercare if needed.
- ◆ Record reminders for key school year dates on your calendar (*i.e.*, the first day of school, end of advisory periods, when progress reports and report cards are issued, parent/teacher conference dates, vacation days, etc.). If your client receives special education services, also set reminders for when triennial re-evaluations and annual IEP revisions are due.
- ◆ Get a copy of your client's transcript and determine how many credits your client has to graduate.

Early in the School Year:

- ◆ Get a copy of your client's class schedule and review it for its appropriateness (*i.e.*, proper classes/credits to meet graduation requirements, appropriate special education hours, etc.).
- ◆ Make sure your client has all the supplies he/she needs for class (*i.e.*, locker, any special notebooks, materials).
- ◆ Call to introduce yourself to the client's teachers and service providers and ask them the best way to communicate with them throughout the school year. Given the high case load of

some service providers, it is also helpful to ask them who their designee is if they are unavailable, and get multiple contact mediums (fax, phone, email). Give them your business card!

- ◆ Introduce yourself to the assistant principal or other personnel responsible for discipline and request to be notified of all disciplinary matters pertaining to the student. Give them your business card!
- ◆ Schedule a school visit and class observation to monitor your client's progress and services.
- ◆ Request a 30-day IEP review meeting for a special education student in a new school in order to review the child's services and meet his/her providers.
- ◆ Line up tutors as needed to assist with the child's areas of weakness. Tutoring is available through CFSA for youth in care.

Mid-Year:

- ◆ Consider school options for next year and whether you need to complete a lottery application.
- ◆ Request annual IEP review meetings and consider whether ESY services are needed for the summer.

Throughout the Entire Year:

- ◆ Obtain copies of all progress reports and report cards as soon as they are issued.
- ◆ Attend all meetings that pertain to the student's progress.
- ◆ Check in with the caretaker, teacher, tutor, or other persons close to the child to determine if the child is learning and making academic progress.
- ◆ If your client is not making progress, consider whether evaluations are warranted to determine the source of the child's learning difficulties.
- ◆ Make sure there is a person (parent or other person who qualifies as the parent) who is qualified and identified to make educational decisions for the child if the child receives special education services.
- ◆ Ensure that the school has accurate contact information for your client's caregiver, especially after placement changes.

CLC Tip Sheet

Questions to Ask on School Visits

You may want to modify this list depending on the type of school and the child's needs.

Questions to Ask at a Potential School and/or a Child's Current School

- ◆ How many students are in the child's classroom?
- ◆ How many adults are in the classroom? What are their roles (*e.g.*, teacher, aide, or clinician)? What are they certified/trained in? For high school students, is the teacher highly qualified in the subject he/she is teaching? Special education certification?
- ◆ How are the children at the school grouped (*e.g.*, by disability classification, age, gender, ability level?)
- ◆ Are there times of the day (*e.g.*, lunch or recess) where children from different groupings interact?
- ◆ How are special education and related services (*e.g.*, speech/language therapy, physical therapy, occupational therapy, or counseling) offered? Are there full-time employees to provide those services or do the providers float between different schools? How often are the providers at the school? What are they trained/certified in? How are services provided (*e.g.*, pull-out, integrated in the classroom)?
- ◆ How does the school implement behavior interventions (*e.g.*, a point system, token economy, a time-out room)?
- ◆ Does the school provide free breakfast and lunch? (Many private schools do not, which mean you may need to discuss with the child's social worker and caretaker how to make sure the child has enough money for meals.)
- ◆ For high schools, does the school provide a diploma-track or a certificate-track? What percentage of the student body is on each track?
- ◆ Ask any other questions that are important to the child, for example:
 - Does the school offer the extracurricular activities the child enjoys?
 - Do the students have to wear uniforms?

Additional Questions to Ask at a Child's Current School

- ◆ How many hours of specialized instruction is the child receiving? Who provides it? In what setting are the services provided (*e.g.*, self-contained classroom, pull-out, inclusion)? Does the child have a dedicated aide? If yes, why?
- ◆ If the child is in a self-contained classroom, is the child ever integrated with regular education students (*e.g.* at lunch or recess)?

- ◆ What related services does the child receive (*e.g.*, counseling, speech and language therapy, physical therapy, or occupational therapy)? When do those occur during the week? What are the provider's name and qualifications? Where are those services provided (*e.g.* outside or inside the classroom)? Get service trackers to see what the child has been working on and to make sure that he/she is actually receiving the required services.
- ◆ For high schools, if the child is on the diploma track, how many Carnegie units has he/she earned? How many more does he/she need to graduate? Is the child in the correct classes?
- ◆ Get an update on the student's progress. What are the child's strengths and weaknesses, academically and behaviorally? What is he/she working on at school right now? Get work samples. Is the child making progress in each of his/her academic subjects? How does his/her progress compare to other students in the class? Have any recent evaluations or assessments (formal or informal) been done? If yes, get copies of the results. What areas of the student's performance need improvement? What is the school's plan to help the child? If there is a behavior system in the class (*e.g.*, token economy, point system, or behavior charts), how does the child do with that?
- ◆ Ask about special education and other school records. Do you and the school have up-to-date records? Be sure that you have a copy of the child's current, finalized IEP. Also request comprehensive school records (*e.g.*, attendance, report cards, IEP progress reports, meeting notes, prior IEPs, assessments and evaluations, and disciplinary records).
- ◆ Ask about discipline/suspensions/behavior. Does the child have any suspensions (in-school or out-of-school)? Why? What interventions – including positive behavioral interventions – have been attempted with the student? What was the result? Get copies of discipline records.
- ◆ Ask about the student's relationships with peers/social interactions. How does the student interact with his/her peers? Any concerns?

CLC Information Sheet

Education Resources for Pregnant and Parenting Teenagers*

District of Columbia Public Schools:

- ◆ Home and Hospital Instruction:
 - If a student has medical complications related to pregnancy such that they cannot physically attend school, they may be eligible for Home and Hospital Instruction (please see information on this program in the “Other Policies and Resources” section of this toolkit).
 - Students are eligible for Home and Hospital Instruction for several weeks after the birth of a baby.
- ◆ New Heights Teen Parenting Program:
 - <https://dcps.dc.gov/page/expectant-and-parenting-students>
 - Through this program, students will continue to earn credits towards a diploma while also receiving the assistance, support, and guidance they will need to handle the responsibilities of parenting.
 - Students are eligible to receive case management and assistance securing services such as childcare vouchers, WIC, housing, TANF, and employment until their 20th birthday.
- ◆ Students are eligible to continue at their school of origin, if they so choose.

Prince George’s County Public Schools:

- ◆ Homebound and Hospital Instruction:
 - <http://www.pgcps.org/homeandhospitalteaching/>
 - If a student has medical complications related to pregnancy such that they cannot physically attend school, they may be eligible for Homebound and Hospital Instruction (please see information on this program in the “Other Policies and Resources” section of this toolkit).
 - Students are eligible for Home and Hospital Teaching for several weeks after the birth of a baby.
- ◆ Adolescent Single Parent Program:
 - <http://www1.pgcps.org/contactus/index.aspx?id=156958>
 - The Adolescent Single Parent Program is offered through the College and Career Readiness and Innovative Programs Office at several area high schools.
 - Information about this program can be obtained by calling 301-780-2100.
- ◆ Students are eligible to continue at their school of origin. Expecting mothers under the age of 16 are permitted to withdraw from their school of origin and enroll in an appropriate educational program; appropriateness will be determined by the student, her family, school personnel, and medical personnel.
- ◆ See Administrative Issuance 5011 (Home and Hospital Teaching) and 5119.3 (Educational Programs/Services for Pregnant Girls) for further information.

*Please see the Children’s Law Center Practice Kit on Sexual Health Issues and Teen Parents for additional resources.

CLC Information Sheet

Credit Recovery

Ways to Complete Courses for Additional Credit:

◆ Credit Recovery Courses Through DCPS:

- Students can earn additional credits by participating in credit recovery courses.
- To enroll in a credit recovery course, the student must have previously failed the course. Credit recovery courses may **not** be earned for original credit.
- These classes are often offered before school, during lunch, or in the evening, particularly at the alternative high schools.
- Each school determines which courses and at what time the courses will be offered. If your student needs a course that is not offered at their home school, they may take credit recovery courses at another DCPS high school.
- Further information can be obtained from the Academic Planning and Scheduling Office at (202) 442-5047.

◆ STAY Programs:

- The STAY Program is offered at Ballou High School and Roosevelt High School.
- A student can be enrolled in traditional high school courses and the STAY Program at the same time to earn additional credits.
- Courses taken in the STAY Program can be either for credit recovery or original credit.

◆ Summer School:

- A student may earn up to 2 credits per summer through DCPS' Summer School Program or one original credit.
 - Courses taken during DCPS's Summer School Program can only be taken for credit recovery (the student must have previously failed the course).
 - Enrollment is open to all DCPS students in grades 9-12, with priority given to students who have not earned the credits to be promoted to the next grade level, current seniors, and 9th graders.
 - DCPS's Summer School Program is available free to all DC residents, even if the student attends a charter school or is a ward placed in a home in a surrounding jurisdiction, though priority access is granted to DCPS students.
- A student may earn up to 2 credits per summer through PGCPs's Summer School Program for high school students and transitioning middle school students.
 - Courses may be taken for credit recovery or as original credit.
 - Students should have these courses pre-approved for transfer by the principal and the Office of College & Career Readiness at DCPS.
 - These courses are open to students from surrounding jurisdictions; however, there is often a significant fee for the PGCPs Summer School Program.
 - There is a fee reduction if the students are wards of the District of Columbia and attend PGCPs schools.

CLC Information Sheet

General Education Diploma (“GED”)

What is the GED?

The GED is a nationally recognized measure of high school knowledge and skills, similar to a high school diploma. The GED is earned by passage of a four-subject high school equivalency test, rather than attendance at a specific program. Typically, only students over the age of 18 can earn a GED; however, students 16 or 17 years of age can earn a GED if they are granted an age waiver by OSSE.

OSSE awards a State High School Diploma, rather than a GED Credential, to any DC resident who has passed the GED exam since January 1, 2014 (<https://osse.dc.gov/node/1157727>). All future GED passers as well as any DC resident who has passed the GED since Jan. 1, 2014 will earn a State Diploma.

There are many misconceptions among the community about earning a GED; it is important that you counsel your client and their family on the difficulties of earning a GED and the length of time it will realistically take for a student to study for and pass the GED test. Additionally, many programs require that a student be proficient at a certain level in math and reading prior to entering the GED preparation program.

What are the requirements for obtaining a GED in the District of Columbia?

- The youth must be a DC resident who has not already graduated from a traditional high school program.
- The youth must be 18 years of age or older. If the youth is 16 or 17 years of age, they may take the GED test if they have been granted an age waiver from OSSE. To receive a waiver the student must provide documentation proving that s/he:
 - Has not been enrolled in a traditional high school program for at least six months and has submitted a Notice of Intent to Home School with OSSE;
 - Has not been enrolled in a traditional high school program for at least six months, and is enrolled in a DCPS or DC Public Charter School-based educational program that provides academic preparation toward GED completion;
 - Is incarcerated or in an out-of-home secure placement within the juvenile justice system and s/he could not reasonably be able to complete a traditional high school diploma program based on his/her current level of academic credits and time remaining for compulsory education; or
 - Is enrolled in a program established by federal law to provide GED test preparation to youth under the age of 18.
- The youth must demonstrate preparedness to successfully complete the exam by either:
 - Providing documentation that s/he completed the GED Ready® official practice exam with a result of “likely to pass” or “too close to call”; or
 - Completing an approved GED preparation program and having a letter of endorsement from the preparation program.
- The youth must pay \$15 or \$3.75/section and schedule a time to take the test.

- The youth must score at least a 145 on each section to pass the test. If the youth fails only portions of the test, they make retake those individual sections. Each student gets two free retakes per section.
- For more information on DC's implementation of the 2014 test or to apply for an age waiver you can contact OSSE's GED Program Office at (202) 274-7173.

What are the requirements for obtaining a GED in Maryland?

- Must be at least 17 and submit verification an official school withdrawal form
- Scheduling Fee: \$45 (\$11.25 per module)
- Resident for at least 3 months
 - License, permit, ID card issued by MVA, military ID
- Offered in English and Spanish, but essay must be written in English
- More information can be found here: <http://www.dllr.maryland.gov/gedmd/ged.shtml>

How can you prepare to take the GED?

In addition to being required in DC, most students will need a GED preparation course to support them in their study for the GED. You can find information on GED preparation programs in DC here: <http://dclibrary.org/node/5510>; this website links to the District of Columbia Adult Education Directory, which includes information on an array of adult literacy and adult education program sites, in addition to GED services. You can find information on GED preparation programs in Maryland here: <https://www.dllr.state.md.us/gedmd/programs.shtml>. Many programs are offered in the evening or have flexible schedules to accommodate working adults. Additionally, many programs have age or proficiency requirements.

In addition to taking a GED preparatory class, you may also take a GED practice test at gedready.com for \$6/section. Having a student take the GED preparatory test can give the student a good idea of the difficulty level of the test, and help them assess their readiness and whether aspiring to pass the GED is a realistic educational goal.

School Contact and Program Information

Resources and Links

Non-Traditional School Program Information: DC and Maryland

- ◆ **DCPS Special Education Programs & Resources Guide for Families: School Year 2017-2018***
 - https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Family%20Programs%20and%20Resources%20Guide%2017-18_1.pdf
 - The purpose of this resource guide is to help educate DCPS families about special education programs offered in the district. The guide offers an in-depth description of each program and various special education-related resources.

- ◆ **OSSE Division of Elementary, Secondary and Specialized Education Approved Nonpublic Day Schools**
 - <https://osse.dc.gov/publication/osse-approved-nonpublic-schools-and-programs-list>
 - The above link includes a list of OSSE approved nonpublic day schools for students with disabilities. The list contains school contact information, disabilities and grades served, and school approval status. This list was updated as of July 9, 2018.

- ◆ **OSSE Adult Education and Family Literacy Act (AEFLA) and Workforce Investment Council (WIC) Partnership Guide**
 - https://osse.dc.gov/sites/default/files/dc/sites/osse/service_content/attachments/2018%20OSSE%20AEFLA%20%26%20WIC%20Career%20Pathways%20Partnership%20Guide.pdf
 - This document details an array of adult education, occupational literacy, digital literacy, Career Essential Boot Camps, and post-secondary education and training services offered by OSSE and WIC.

- ◆ **MANSEF Membership Directory**
 - http://mansef.org/news-detail.php?news_int_id=70
 - This document details the non-public special education schools approved by the Maryland State Department of Education. MANSEF is the Maryland Association of Nonpublic Special Education Facilities (MANSEF), which is a non-profit organization of the special education schools which are approved by the Maryland State Department of Education, created to promote quality services for children and youth with disabilities. The above link is a directory of a MANSEF members and their program descriptions. This Directory was updated for the 2017-2018 SY and published on August 7, 2017. The 2018-2019 version was not published as of July 31, 2018.

- **PGCPS Administrative Procedure 5119.3, Educational Programs/Services for Pregnant Girls**
 - <http://www1.pgcps.org/generalcounsel/index.aspx?id=179107>
 - This particular administrative procedure pertains services and programs available to pregnant students attending Prince George's County Schools. This website links to PGCPS's Office of the General Counsel's list of all procedures involving students. Please scroll through the list of procedures for Administrative Procedure 5119.3.

* DCPS's SY 2018-2019 Guide was not published at the time this Practice Kit was finalized. Practitioners should contact DCPS's Division of Specialized Instruction to obtain an updated copy of this resource.

Overview

School Enrollment and School Stability

This section of the Education Toolkit outlines the laws and strategies advocates may utilize to overcome barriers for homeless youth or those in third-party care to school enrollment and school stability.

School Enrollment

This section outlines key enrollment requirements and procedures for students attending DC Public Schools (DCPS) and PG County Public Schools (PGCPS), procedures for transferring schools, and DC's lottery process for applying to a school other than a child's neighborhood school. It also includes guidance on school uniform policies and responses to violations.

School Stability

Children in foster care are often placed in a new school after they are removed from their family or following a home placement change. Federal law requires that child welfare agencies partner with local education agencies (e.g., DCPS or PGCPS) to ensure that children and youth in care have educational stability. This means CFSA is required to keep a child in the school he or she attended prior to entering foster care or prior to a change in home placement, unless it is not in the child's best interest to remain at that school. Maryland law has further expanded this right to require schools to allow a child to remain at her current school if it is in their best interests. This section discusses local school resources for implementing applicable laws in DC and PG County. It also includes practical resources such as advocacy tip sheets that provide guidance on how to enforce a child's right to school stability.

Legal Resources

Federal Regulations

- Fostering Connections Act: P.L. 110-351
- McKinney-Vento Act: 42.U.S.C. § 11431 *et seq.*
- [Every Student Succeeds Act: 20 U.S.C. § 6301 *et seq.*](#)

DC Law & Regulations

- [5 D.C.M.R. § § E2010 & A5099](#) (incorporating McKinney-Vento)
- [D.C. Code § 16-2312\(k\)](#) (school stability)
- [D.C. Code § 4-1303.03\(b\)\(11\)](#) (school stability)
- [5 D.C.M.R. § B2408](#) (dress code/uniforms)
- D.C. Code § 38-235 *et seq.* (discipline law covering involuntary transfers and uniform/dress code violations)
- 5-B D.C.M.R. § B2408 (DCPS regulations on dress code/uniforms)

MD Law & Regulations

- [MD. Educ Code Ann. § 7-101 \(2014\)](#)
- [COMAR 07.02.11.12](#)

CLC Tip Sheet: Foster Children's Right to School Stability

Historically, children in foster care were placed in a new school after they were removed from their family or their home placement changed. Federal law now requires that child welfare agencies partner with local education agencies (such as DC Public Schools and Prince George's County Public Schools) to ensure that children and youth in care have educational stability. Practically, this means that the Child and Family Services Agency ("CFSA") is now required to keep a child in the school she attended prior to entering foster care or prior to a change in home placement, unless it is not in the child's best interest to remain at that school. Under federal and District law, children in foster care have a right to school stability. Guardians *ad litem* and parents' attorneys have several grounds to help them enforce this important right.

Title IV-E and the Fostering Connections to Success Act

In 2008, Congress passed the "Fostering Connections" Act which requires states to develop a "plan for ensuring the educational stability" for each child in foster care and includes language providing federal funds to states to transport children in care from their home placements to their schools of origin. The law requires that the child's case plan "ensur[es] the educational stability of the child" measured at the "time of each placement" – the word "each" is intended to clarify that the right to school stability applies to the school the child was attending or enrolled in at the time of each placement change.ⁱ

Therefore, under federal law, CFSA is required to develop a "plan for ensuring the educational stability of the child while in foster care" including "an assurance" that CFSA has coordinated with the relevant schools to ensure that the child remains in the school in which the child was enrolled at the time of the initial removal or at the time of any subsequent home placement change, unless doing so is demonstrated to be contrary to the child's best interests.ⁱⁱ

Every Student Succeeds Act (ESSA)

In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). The provisions of ESSA involving youth in foster care took effect on December 10, 2016 and require State and Local Educational Agencies to work with child welfare agencies to ensure the educational stability of children in foster care.ⁱⁱⁱ

The law creates a presumption that a child removed from their parent should continue to attend their school of origin, unless there is a determination that continuing to attend that school would not be in the child's best interest. If it is not in a child's best interest to remain in their schools of origin, children in foster care are to be enrolled in their new schools without delay and records shared between the schools immediately.^{iv}

The McKinney-Vento Homeless Assistance Act Updates

The federal McKinney-Vento Act, which is incorporated into District law,^v addresses the harm of unnecessary school disruptions by providing children with two important rights: (a) the right to attend their "school of origin;" and, (b) when attending their school of origin does not serve their best interests, the right to enroll *immediately* in a new school, even without regular enrollment papers. The

McKinney-Vento Act covers all “homeless” students. Previously, children “awaiting foster care placement” were covered under McKinney-Vento. The Every Student Succeeds Act (“ESSA”) amended the McKinney-Vento, removing children “awaiting foster care placement” from the definition of “homeless children and youth.”^{vi}

District Law

The DC Council has enacted legislation^{vii} that embraces the importance of school stability in neglect cases. *During the entire shelter care phase*, CFSA and the Family Court must presume that a child should continue to attend her school of origin (i.e. the school the child was attending at the time of removal or, if the removal occurred during the summer or another school vacation, the school the child would have attended).^{viii} The presumption may be rebutted, but only after the Family Court makes a determination that school stability is contrary to the child’s best interests. *During other stages of a neglect case*, the same presumption applies, but CFSA (as opposed to the Family Court) can first make the determination whether it is in the child’s best interest – but only after consultation with other parties to the case.^{ix} Other parties may still seek a Family Court order to protect a child’s school stability under the Court’s dispositional authority.

Maryland Law

Maryland recently enacted legislation that expands Fostering Connections to include a child who is in the custody of, committed to, or otherwise placed by a local department of social services.^x Regardless of where an eligible child is domiciled, the child shall be allowed to remain at the school that he/she was attending if the local department of social services, in consultation with the local school system, determines that it is in the child’s best interests to do so.^{xi} Maryland regulations outline what factors should be considered in determining what is in a child’s best interests.^{xii} It is the local department of social services which is responsible for the cost of transportation.

CFSA Policy

Like DC law, current CFSA policy provides for school stability with respect to the school of origin.^{xiii} The agency must “exhaust all efforts to have the child or youth remain in the school of current enrollment, if it is in the best interests of the child or youth” – even at schools enrolled in *after the time of removal*. CFSA’s policy provides for transportation to the original school while the decision is being made regarding the child’s best interests and thereafter.

How Can I Troubleshoot Problems in my Case?

CFSA’s vision is that school enrollment decisions should be made collaboratively with families and not unilaterally by social workers, and that the value of school stability should be respected. If that is not occurring in a particular case, lawyers for parents and for the child should discuss the issue with the social worker and his/her supervisor. Lawyers should also consider contacting CFSA’s Office of Well Being to resolve school stability problems.

What are my Best Arguments in Court?

If CFSA is seeking to or has recently changed the school placement of your client or your client’s child contrary to your client’s wishes and the child’s best interests, consider making the following

arguments regarding why the change is contrary to the child’s best interests:

1. CFSA has violated the child’s right to attend his/her school of origin as provided by federal and DC law.^{xiv}
2. CFSA has failed to satisfy its obligation under federal and DC law to “ensure” the child’s right to school stability.^{xv}
3. DC law provides that there is a presumption for school stability at the school of origin at all stages of a neglect case.^{xvi}
4. During the shelter care phase, the presumption favoring school stability can be rebutted only if the Family Court makes a determination that school stability is contrary to a child’s best interests.^{xvii}
5. During other phases of a neglect case, CFSA can override that presumption only if it determines that doing so is in the child’s best interests after consultation with other parties.^{xviii} Other parties may seek a Family Court order to override such a determination^{xix} – especially if CFSA has not followed its own policy to exhaust all efforts to have the child remain in his current school (even if not the school of origin) if it is in the best interests of the child,^{xx} or has violated other authorities.
6. Under agency policy, CFSA must provide the transportation necessary to effectuate the child’s right to school stability and fulfill its obligation to ensure the child attends his school of origin.^{xxi} CFSA can receive federal financial support for the cost of this transportation,^{xxii} which lessens concerns that cost makes it difficult for CFSA to meet its legal obligation to foster school stability.

What if the Child’s Best Interest Requires Enrollment in a New School?

Sometimes a new school placement is required – to keep the child safe, to improve his/her academic performance, or because the new foster home is so far away from the child’s school that the commute is untenable and worse than a school disruption. In such instances, the child has a right to immediate enrollment in a new school, without adhering to formal enrollment procedures, as is explicitly set forth in DC law and CFSA policy.^{xxiii}

What if the Child Receives Special Education?

If a child has an Individualized Education Program (“IEP”), special education law provides another layer of protection for her school stability. In many cases, only the child’s educational decision maker (not CFSA) should be changing her school placement and only in accordance with special education procedures. A child receiving special education services may be eligible for special education transportation to her school of origin.

ENDNOTES

ⁱ 42 U.S.C. § 675 (1)(G).

ⁱⁱ *Id.*

ⁱⁱⁱ 20 U.S.C. 6301 et seq.

^{iv} *Id.*

^v 42 U.S.C. §§ 11431-11435. The federal law is incorporated into District law at D.C. Mun. Regs. 5-E, § 2010.

vi *Id.*

vii D.C. law incorporates the language concerning educational stability of children in foster care from the federal law into D.C. Code § 4-1301.02 (3)(G)'s definition of a "case plan." Prevention of Child Abuse and Neglect Amendment Act of 2010, D.C. Code §§ 4-1301.02, 4-1303.03, 16-2312.

viii D.C. Code § 16-2312 (k) (school stability at time of shelter care determination).

ix D.C. Code § 4-1303.03 (b)(11) (presumption of school stability throughout all stages of neglect case, unless contrary to child's best interests).

x Md. Code Ann., Educ. § 7-101 (b)(2)(ii) (West 2014).

xi *Id.*

xii Md. Code Regs. 07.02.11.12.

xiii *See 2011 Quick Reference Guide: Educational Stability for Children/Youth in Foster Care*, Child and Family Services Agency, [http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/ORG%20-%20Educational%20Stability%20\(final\)\(H\).pdf](http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/ORG%20-%20Educational%20Stability%20(final)(H).pdf).

xiv 42 U.S.C. § 675 (1)(G) and D.C. Code § 4-1301.02 (3)(G).

xv Prevention of Child Abuse and Neglect Amendment Act of 2010, D.C. Code §§ 4-1301.02, 4-1303.03, 16-2312.

xvi D.C. Code § 4-1303.03 (b)(11).

xvii D.C. Code § 16-2312 (k).

xviii *See 2011 Quick Reference Guide: Educational Stability for Children/Youth in Foster Care*, Child and Family Services Agency, [http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/ORG%20-%20Educational%20Stability%20\(final\)\(H\).pdf](http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/ORG%20-%20Educational%20Stability%20(final)(H).pdf).

xix *See id.*

xx *See id.*

xxi *See id.*

xxii *See id.*

xxiii D.C. Code § 16-2320 (a)(5).

CLC Info Sheet: Every Student Succeeds Act (ESSA)

General

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. It reauthorizes the Elementary and Secondary Education Act (ESEA), and replaces the previous version of the law, the No Child Left Behind (NCLB) Act, enacted in 2002. ESSA retains NCLB's focus on annual tests for third through eighth grades, but departs from NCLB's requirements that the federal government directly hold schools accountable for the quality of their education, shifting instead to a focus on ensuring State and local decision makers continue to refine their own systems for school improvement. 20 U.S.C. 6301 *et seq.*

Key Provisions

- ◆ ESSA requires states to set challenging state academic standards in reading or language arts, math and science, and may set such standards for any other subject determined by the state. In addition, states must demonstrate that their academic standards are aligned with entrance requirements for credit-bearing coursework in state public higher education systems, and relevant state career and technical education standards.
- ◆ ESSA maintains a requirement that every state have annual assessments in reading or language arts and math for grades 3-8 and once in high school, as well as science assessments given at least once in each grade span from grades 3-5, 6-9, and 10-12. Some flexibility in assessments is given.
- ◆ ESSA replaces Adequate Yearly Progress (AYP) and ESEA waiver accountability systems with a requirement that states create accountability systems that include long-term goals, regular determinations of interim progress toward these goals, and annual determinations of student performance and school quality – for the school overall and for each subgroup.
- ◆ States must annually identify, and the school district must intervene in, any schools in which any subgroup of students is consistently underperforming.
- ◆ ESSA eliminates the highly qualified teacher (HQT) provision that existed under the No Child Left Behind Act requiring that students from low-income families and students of color not be taught by ineffective, inexperienced, unqualified, or out-of-field teachers at higher rates than their peers.
- ◆ ESSA expands access to high-quality, state-funded preschool for children from low- and moderate-income families.

DC and Maryland ESSA State Plan

- ◆ DC ESSA State Plan: <https://osse.dc.gov/essa>
- ◆ Maryland ESSA State Plan: <http://marylandpublicschools.org/about/Pages/DAPI/ESSA/index.aspx>
- ◆ Department of Education ESSA Resources: <https://www2.ed.gov/policy/elsec/leg/essa/index.html>

CLC Tip Sheet

School Enrollment and Uniforms

When Must Children Be Enrolled in School in DC?

All children of compulsory school age (ages 5-18) must be enrolled in school in order to access their education, but many times children in foster care have challenges with the enrollment process. Under DC law, it is the responsibility of the parent, guardian (or person who has custody or control of the child) to place a minor child who will be 5 years old on or before September 30th of the current school year in an educational institution (whether it be public, private, independent, or parochial school, or private instruction). See DC Code § 38-202(a).

Out of Boundary Lottery Process & Applications to Specialized High Schools

All DC residents of school age are eligible to enter the Out of Boundary Lottery (now called the My School DC Common Lottery) through the My School DC website. See <http://myschooldc.org>. DCPS and most DC public charter schools are part of the common application and common lottery to simplify this process. First round lottery applications are usually due in early February each year. The lottery applies to PK3 or PK5 programs at any DCPS school, including in-boundary schools. Specialized high schools have additional requirements such as entrance exams, interviews or auditions and their deadlines are typically before the end of the calendar year.

What are Some Common Challenges about School Enrollment in DC?

Legal Custody of the Child: Persons registering a DC student are not required to have legal custody of the child in order to enroll a student in a DC school.

Children in Foster Care: Even if they are missing required documentation, children in foster care are entitled to enroll in a school immediately. For more information on this topic, see the CLC Tip Sheet on School Stability and information on the Fostering Connections Act found in this Toolkit.

What if the Child Receives Special Education?

Schools are not permitted to discriminate against students on the basis of disability in the enrollment process, including whether they have an Individualized Education Program (“IEP”). In most instances this means that schools may not ask about whether a child receives special education services as part of the application.

Uniform Violations

School uniform policies must conform to DC regulations. See 5 DCMR § 2408 *et seq.* A student who fails to abide by a mandatory uniform policy cannot be given an out-of-school suspension or be barred from attending school. Each school implementing a mandatory uniform policy is required to have a bank of uniforms to loan out to non-compliant students and establish other mechanisms to assist students who require financial assistance in obtaining a uniform. Students who require financial assistance in obtaining a uniform shall not be subject to corrective or disciplinary action for non-compliance.

CLC Tip Sheet

DC School Transfers

Children in the District of Columbia transfer schools much more frequently than their peers in other jurisdictions. This is a result of not only the abundance of charter school options in DC, but also the large transient population. DCPS has several transfer policies that you should be aware of in order to aid or prevent your client's school transfer.

Voluntary Transfers

All DC residents are eligible to participate in the My School Lottery each year for Out-of-Boundary Transfers. Most DCPS and charter schools accept students through a common application and lottery system. Some specialized high schools have additional requirements, but still cannot discriminate on the basis of disability. Priority is given to students who live within a school's attendance zone.ⁱ Priority is also given if a student's sibling currently attends the requested school, the student resides within reasonable walking distance of the school, or the school is preferred to the in-boundary school.ⁱⁱ

The Chancellor can grant discretionary transfers. Under current DC law, only the DCPS Chancellor is authorized to grant a discretionary school transfer. The Chancellor may use his/her discretion to determine the duration of the approval based on the best interests of the student and may approve only those transfers that promote the overall interests of the school system.ⁱⁱⁱ

When students' attendance zone changes, they are typically transferred to the school that is in-boundary for their new residence. These transfers are affected by the current principal and must be proposed in writing. Applications for exceptions for seniors and appeals are available and must be provided to the principal prior to the effective date of the transfer.^{iv} Homeless students are exempt from this provision; please see the School Stability Section for more information.

Involuntary Transfers

DCPS can seek to transfer a student against their wishes in certain circumstances. Involuntary transfers should not occur without notice of the reasons for the transfer and the parents/students have the right to challenge the proposal via requesting a hearing. All involuntary transfers shall be approved by the Assistant Superintendent whose jurisdiction encompasses the school recommending the transfer. Parents may challenge the appropriateness of special education placements in a due process hearing pursuant to Title 30 of the DC Municipal Regulations, and, therefore, no separate hearing on the transfer is required under Chapter 5-E.^v

In exceptional circumstances a student may be subject to an immediate involuntary transfer. This type of transfer must result from the student being charged with or accused of a criminal offense and the circumstances are those which the Superintendent or designee believe disturb the peace, health, safety or welfare of the students or staff if the student remains in their original school placement.^{vi} A subsequent review hearing may be requested and an administrative decision will be rendered pursuant to the procedures for disciplinary hearings

ENDNOTES

ⁱ D.C. Mun. Regs. 5-E, § 2109 (High School Selection Transfers).

ⁱⁱ D.C. Mun. Regs. 5-E, § 2106 (Out-Of-Boundary Transfers).

ⁱⁱⁱ D.C. Mun. Regs. 5-E, § 2106.6. *See also* DCPS Discretionary Out-of-Boundary Transfers Policy at https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Discretionary%20Out-of-Boundary%20Transfers%20Policy_UpdatedForm2018.pdf.

^{iv} D.C. Mun. Regs. 5-E, § 2105 (Transfers Due to Change of Address).

^v D.C. Mun. Regs. 5-E, § 2107 (Involuntary Transfers).

^{vi} D.C. Mun. Regs. 5-E, § 2108 (Immediate Involuntary Transfers).

Placements and Detention Facilities for Detained Children in the District of Columbia

Location	Community	Group Home or Shelter Home	Psychiatric Residential Treatment Facility or Residential Treatment Center	Youth Services Center	New Beginnings Youth Development Center	The Correctional Treatment Facility at the District of Columbia Jail	The Psychiatric Institute of Washington
Also known as:	Home or with other family	Shelter homes are often called Family Reunification Homes	“PRTF” or “RTC”	“YSC”	Formerly “Oak Hill.”	“CTF” “Juvenile Block”	“PIW”
Who is placed there and when?	Children at any stage of proceeding or post-commitment to DYRS depending on their assessed risk. The degree of supervision a youth in the community receives may depend on whether they are with CSS or DYRS, and the unit to which they are assigned.	Children can be placed in shelter homes during probation and pre disposition, but are <u>only</u> placed in group homes if they have been committed to DYRS. Group homes sometimes can provide more services than shelter homes (an individual therapist) and be far outside of the District (e.g. Iowa, Utah).	Children and youth committed to DYRS. In very rare circumstances, children on probation where placement in residential is a condition of their probation.	Pre-disposition youth when necessary to protect the community from significant harm or ensure the youth comes back to court.	Post- disposition DYRS-committed youth, up to age 21. DC's only long-term secure facility and youth are placed there for an average of 7-9 months. *Both boys and girls can be placed at New Beginnings. Youth who are awaiting placement are now typically placed at New Beginnings.	Children and youth between the ages of 15-17 who have been charged with crimes as adults. As of Summer 2017, there is a separate unit at CTF for these male youth. Female youth are placed in solitary confinement at CTF. Once a youth turns 18, their subsequent location depends largely on how much time remains on the youth's	Children can be sent to PIW for evaluation if they pose a risk to themselves or others, and for assessment purposes. Children who are experiencing chronic mental health problems may also be sent to the CORE (the longer term) unit at PIW.

						sentence.	
Who is the LEA?	Various, depends on where the student is enrolled in school.	Various, depends on where the student is enrolled in school.	DCPS (pursuant to the August 2016 MOA between DCPS, DYRS, and OSSE)	DCPS	DYRS (Public agency responsible for providing a FAPE to students attending Maya Angelou Academy at New Beginnings).	DCPS	DCPS
What will happen to the child's IEP during placement?	IEP services and school placement should not change unless change is desired by the educational-decision maker.	Same as community, except group homes and shelter homes may need to be specifically instructed to <u>not</u> enroll the child in the neighborhood school for the shelter home or group home before the child is placed there.	The child or youth should be able to receive the same IEP services; however, DYRS can place children in RTCs that do not have a COA from OSSE and cannot provide the DCPS curriculum so in practice this may vary.	The child or youth has the right to have their IEP implemented to the extent that it does not risk the safety of the child or others detained.	Maya Angelou Academy (DYRS is responsible for providing FAPE), and will change the youth's IEP to providing services in a general education setting.	The child or youth has the right to have their IEP implemented to the extent that it does not risk the safety of the child or others.	The child or youth has the right to have their IEP implemented, but as a practical matter children seem to only be receiving a few hours a day of any educational services, and advocacy is generally needed to ensure children receive work packets and are able to continue credit work.
What else do I need to know?	—	Access to clothing, especially for children and youth stepping down from a residential or group home, is	While Court Social Services may push for commitment to DYRS so a child can be placed in residential treatment	Visitors are not allowed to bring cell phones, coats or other items into the YSC facility. If you bring a purse or bag in, you	Attend the team decision making (TDM) and discharge meetings to ensure that you are involved in all stages of	Visitors are not allowed to bring cell phones, coats or other items into the facility. If you bring a purse or bag in, you will	All visitors unaccompanied by service providers must be over 18. If the youth has older (but not adult) siblings, they will

		often an issue.	facility, it is important to note that commitment to DYRS does not mean (and in fact rarely means) a child will be placed in an RTC. There are also other ways to get an RTC funded for a child who really needs it (DMH, HSCSN if the child has it, DCPS).	will need to lock it in a coin-operated locker (and will need to bring your own change).	decision-making regarding placement and services. The TDM happens at level 4 (approximately 4 months into the Model Unit Program) and the discharge meeting happens at Level 6, approximately 30 days before release.	need to lock it in a coin-operated locker (and will need to bring your own change).	not be able to visit with them alone.
Whom should I contact for more information?	--	--	--	Main number: 202-576-8175	Main number: 202-299-3100 or 3200 (or call the PDS office at 202-299-3223)	Main number: 202-698-3000	Main number: 202-885-5600

CLC Tip Sheet

Educational Services for Pretrial Detainees and Sentenced Inmates Incarcerated at DOC Detention Facilities

What is DOC?

The Department of Corrections (“DOC”) is the law enforcement agency in the District of Columbia. The DOC has two correctional facilities—the Central Detention Facility (“DC Jail”) and the Correctional Treatment Facility (“CTF”). CTF is often referred to as the “Juvenile Block,” and houses youth who have been charged with crimes as adults.

What kind of education is required for students housed at DOC facilities?

Students at D.C. Jail receive their education through the Inspiring Youth Program (“IYP”), which is a District of Columbia Public Schools (“DCPS”) program. Students eligible for an Individualized Education Program (“IEP”) under the Individuals with Disabilities Education Act (“IDEA”) should receive special education services from IYP.¹ In addition, students who have already earned a high school diploma or GED can pursue further education options.

The New MOA

- In 2017 DCPS, DOC and the Office of the State Superintendent of Education (“OSSE”) entered into a Memorandum of Agreement (“MOA”) to ensure educational services are provided for students housed at DOC facilities pursuant to the ESSA and the Individuals with Disabilities Education Act (“IDEA”).
- DCPS is the LEA for eligible pretrial detainees and sentenced inmates housed at DOC facilities, including general education students who are still school-aged, and IDEA-eligible students up to age 22. Pretrial detainees and sentenced inmates below age 18 who are suspected of being eligible for services under the IDEA must be also identified and evaluated.
- DOC is required to provide adult basic education (“ABE”)/General Education Diploma (“GED”) programs and other educational supports.
- OSSE is required to ensure that a Free and Appropriate Public Education (“FAPE”) is available to eligible pretrial detainees and sentence inmates by collaborating with DCPS and DOC and monitoring IYP as part of its system of IDEA Part B LEA monitoring.

Further Information:

- The Memorandum of Agreement:
https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/MOA%20for%20Education%20of%20Youth%20Housed%20at%20DOC%20Facilities.pdf

¹ 20 U.S.C. 1400 *et seq.*; 34 CFR Part 300.

Enrollment and School Stability

Resources and Links

- ◆ **Child and Family Services Agency (CFSA) Office of Well-Being School Enrollment Tip Sheet for Children in Foster Care**
 - <https://cfsa.dc.gov/page/office-well-being-school-enrollment-process>
 - This document outlines the process CFSA must follow to ensure the timely school enrollment for youth in care.

- ◆ **CFSA Educational Services Policy (updated February 2011)**
 - [https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Educational%20Services%20\(final\)\(H\)_1.pdf](https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program%20-%20Educational%20Services%20(final)(H)_1.pdf)
 - The purpose of this policy is to provide a clear understanding of CFSA's commitment and role in providing educational stability and equal access to positive academic experiences to young people in foster care system. The goal is to improve educational stability and outcomes for all young people in care. This policy references The Fostering Connections to Success and Increasing Adoption Act of 2008, which requires that child welfare agencies partner with local education agencies (LEAs) to ensure that children and youth in care have educational stability while in foster care. It is anticipated CFSA will update this policy for the 2018-2019 school year.

- ◆ **CFSA 2011 Quick Reference Guide: Educational Stability for Children in Foster Care**
 - https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/QRG%20-%20Educational%20Stability%20%28final%29%28H%29_0.pdf
 - This guide provides research on educational stability for children in foster care and a brief overview of ways CFSA plans to alleviate educational instability for youth in foster care.

- ◆ **OSSE's Guidance Regarding Graduation Fees for Students in Transitory Housing**
 - <https://dhcd.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Graduation%20Guidance%20October%202012.pdf>
 - This guidance explains the local education agencies (LEA) responsibility to students experiencing homelessness. Specifically, LEAs are required to review policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth.

- ◆ **OSSE: Educating Homeless Children and Youth: Dispute Resolution Guidelines (updated June 2018)**
 - <https://osse.dc.gov/publication/educating-homeless-children-and-youth-dispute-resolution-guidelines-and-appeals-process>
 - The "Homeless Children and Youth" dispute resolution guidelines address the requirements under the law that each LEA has to resolve enrollment or school placement issues for children experiencing homelessness covered by McKinney-Vento.

- ◆ **OSSE: School of Origin/Transfer Affirmation Form**
 - https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/transfer_affirmation.pdf
 - The above link is the required form for foster care youth who will remain at their school of origin once they come into care.

- ◆ **OSSE: Transitory Services Homeless Children and Youths Program Appeals Form**
 - https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/appeals_form_4_2010.pdf
 - This form allows homeless children to exercise their right to an appeal, when a LEA has denied them the right to attend that particular school.

- ◆ **OSSE: McKinney-Vento Homeless Education Program Liaison List (updated 6/1/18)**
 - <https://osse.dc.gov/service/homeless-education-program-district-columbia-homeless-liaisons-contact-list>
 - This link includes OSSE's list of McKinney-Vento homeless education program liaisons.

- ◆ **Memorandum of Agreement Between OSSE, DYRS, and DCPS Related to Educational Services for Youth Committed to the Department of Youth Rehabilitation Services, 2016**
 - <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/MOA%20for%20Educational%20services%20for%20Youth%20Committed%20to%20DYRS.pdf>
 - The purpose of this MOA is to improve educational outcomes for youth committed to DYRS by minimizing disruption in general and special education services during times of transition between DYRS placements. The MOA explains each party's (OSSE, DCPS, and DYRS) responsibility related to educational services for youth committed to DYRS. This MOA took effect in August 2016 for a one-year term, and on October 10, 2017, all participating agencies exercised the MOA's option year one.
(https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/DYRS%20Summary%20Memo.pdf).

- ◆ **Maryland Department of Human Resources: Access to Education for Children in State-Supervised Care**
 - <http://www.dhr.state.md.us/blog/wp-content/uploads/2012/10/access-to-education-for-children-in-foster-care.pdf>
 - The purpose of this handbook is to help professionals working in Maryland child welfare and educational systems to minimize common barriers to success in school for foster children.

- ◆ **Prince George's County Public Schools (PGCPS) Registration Requirements**
 - <http://www1.pgcps.org/communications/PB-communications.aspx?pageid=217617&id=147067>
 - This website provides detailed instructions on how a student can be enrolled in any PGCPS school.

◆ **PGCPS Administrative Procedures**

- <http://www.pgcps.org/generalcounsel/index.aspx?id=179107> (this website links to PGCPS's Office of the General Counsel's list of all procedures involving students): of note:
 - **Registration and Withdrawal of Students (5111)**: provides a clear understanding of the registration and withdrawal process of all students attending PGCPS.
 - **Homeless Children and Youth School Access and Services (5010)**: provides PGCPS's guidelines and procedures which assure that homeless children and youth have a barrier-free access to appropriate public education and services.
 - **Student Transfers (5110.3)**: provides general guidelines for student transfers in PGCPS.

Overview

School Transportation

In this section of the Education Toolkit, you will find helpful information and resources concerning school transportation for both special education and general education students in the District of Columbia and in Maryland. You will discover how students typically get to and from school and how to get additional transportation services if the typical routes are not appropriate for your student. In addition to the Children's Law Center Tip Sheet on Transportation, you will also find links to the Office of the State Superintendent of Education (OSSE) and Prince George's County Public Schools transportation policies. Additionally, the Tip Sheet in this section provides specific information on transportation for youth in care, and details about the transportation services offered through CFSA as of July 2018.

This section also references students who may qualify for transportation under the McKinney-Vento, Fostering Connections, and Every Student Succeeds Acts. If you have specific questions about these Acts and their effect on your student, please see the School Stability section of this Education Toolkit.

CLC Tip Sheet

School Transportation

DISTRICT OF COLUMBIA

How Do Children Get to Public Schools and Charter Schools in DC?

- Walk—generally there are no school buses provided for students attending school in DC.
- Public Transportation—students in DC are eligible for the Kids Ride Free (KRF) program, administered through the District Department of Transportation (DDOT) and the school systems. Beginning in the 2018-2019 school year, students will use KRF SmarTrip cards to access public transportation. The KRF SmarTrip cards will replace DC One Cards for transportation. Students can use their KRF SmarTrip cards on Metrorail, Metrobus, and DC Circulator to get to school and school-related activities. Information about this program can be found at: https://ddot.dc.gov/page/school-transit-subsidy-program?utm_medium=email&utm_source=govdelivery (last checked July 3, 2018).
- School Buses—students who are in special education AND the IEP team determines that the child needs transportation, either because of the child’s particular disability or because the child attends a school other than their neighborhood school, will receive school bus transportation, provided by the Office of the State Superintendent of Education Department of Transportation (OSSE DOT).

If A Child is Unable to Walk or Take Public Transportation to School, What Can You Do?

If the child is eligible for special education:

- First, determine if the child’s IEP includes transportation services.
- If the IEP does not include transportation, you can request an IEP meeting to amend the IEP.
- NOTE: Children in special education can be bused to public schools, charter schools, or non-public schools.

If the child is not eligible for special education or the IEP team has determined that transportation services should not be included in the IEP:

- Determine if the child qualifies under the McKinney-Vento Act and seek transportation services via that entitlement.
- Consider whether transportation is needed to support school stability. When children in foster care need transportation to remain in their school of origin, the Every Student Succeeds Act (ESSA) requires that Local Educational Agencies (LEAs) collaborate with the State or CFSA to ensure that transportation for children in foster care is provided, arranged, and funded. This transportation must be available for the duration of the time the child is in foster care. ESEA section 1112(c)(5)(B).
- Work with the child’s family to identify other transportation resources (*e.g.*, neighbors, other family members, etc.)

If a Child Needs to Have DCPS Special Education Transportation Services Set Up for the First Time, or Needs to Have a Bus Route Changed, What Can You Do?

- Contact the local education agency (LEA) representative at the child’s school to request the change.
- Follow up with the OSSE DOT office to ensure the child is routed on a bus and find out the child’s pick-up and drop-off time (call the Parent Resource Center at 202-576-5000).

What Do I Do if I Run Into Problems with Transportation in DC?

- Call the Parent Call Center: (202) 576-5000. They can tell you what bus route a child is on and the times and addresses for pick-up and drop-off. They can also tell you the status of a particular bus route, where it is, if it's on time, etc. on a particular day.
- Complaints: Call the Office of Investigations at (202) 576-6860.
- Transportation Handbook for Parents and Guardians of Special Education Students: <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Transportation%20PolicyV07292014.pdf> (last checked July 3, 2018).

MARYLAND

How Do Children Get to Public School in Maryland?

- School Buses—each county in Maryland provides school buses for students to ride to and from their neighborhood school unless the student lives within walking distance of the school.
- Walk—students may walk to their school, if they live within walking distance.
- Public Transportation—students may ride public transportation if they choose; however, the school does not provide funding for this type of transportation.

What if The Student is Not Attending His Neighborhood School?

If the child is placed in another school due to their special education needs:

- The county will provide transportation to the student; contact the special education coordinator at the child's school to set up bus transportation.

If the child is attending another school under the McKinney-Vento Act:

- The county will provide transportation to the student; contact the Homeless Education Office in the child's county to set up bus transportation.

If the child is attending another school under COMAR 07.02.11.12:

- The student may ride any county school bus which is routed to their current school; however, the county will not route a bus specifically for the student.

What Can I Do if I Run Into Problems with Transportation in Maryland?

- Contact the transportation office for the child's county of attendance.
 - Prince George's County: 301-952-6570

TRANSPORTATION THROUGH CFSA FOR YOUTH IN CARE*

How Do Children in CFSA's Care Get to School?

CFSA offers transportation for children in the care and custody of CFSA to maintain a child's school stability when it is determined to be in the youth's best interest and no other means of transportation is available. Transportation through CFSA is a social worker-driven process, and the provision of transportation is based on a best interest analysis. Often, a child's resource parent is tasked with transporting a child to-and-from school. However, CFSA contracts with a vendor to provide transportation services, as well.

When a child is removed and enters care, CFSA's Clinical Supports Contracts Liaison typically reaches out to a child's CFSA Child Protective Services worker upon removal and provides them with a referral. The social worker must then complete a referral, which consists of questions to discern whether transportation is needed and in the child's best interests to facilitate continuation at the school of origin. This assessment is conducted

with CFSA's Behavioral Health Unit to assess the child's needs, including schedules and aftercare.

Every 90 days, CFSA will conduct a review of services to determine whether transportation remains necessary and warranted. Typically, these conversations occur between a child's resource parent, social worker, and social work supervisor. GALs may not be automatically included in these conversations, but are encouraged to participate in these conversations where appropriate.

A child's social worker must submit a new transportation referral every time a child's placement changes. Typically, transportation services will take effect or be reinstated three days after a referral is submitted by a child's social worker.

Specific details about CFSA's Transportation program:

- ➔ Children receiving CFSA Transportation must leave aftercare by 5:00 pm, and must be off of transportation by 6:00 pm.
- ➔ CFSA's transportation will not provide transportation to afterschool extracurricular activities or medical services/appointments occurring after school.
- ➔ School transportation occurs from the child's placement to school, and from school or aftercare to the placement. A child can have different pick-up and drop-off locales, so long as the changes occur on a set weekly schedule. All other variations in transportation should be handled by the social worker or resource parent.
- ➔ To ensure pick-up and drop-off occurs as scheduled, a child's resource parent must sign at the time a child is picked-up for school, and the transportation attendant will escort the child into school and sign the child in within the school's office. At the end of the day, the transportation attendant will pick up the child from the school's office, and the resource parent must sign when the child is returned to his/her placement at the end of the day unless the child is of an age where the child and resource parent have decided the child can be dropped off without the resource parent being present.
- ➔ CFSA will strive to ensure a child has the same transportation attendant on a daily basis. Attendants and drivers receive a two-day training in Trauma-Systems Therapy and child development.
- ➔ Transportation services may be available for students attending Pre-K programs; transportation for children under the age of 5 will be assessed on a case-by-case basis.

As of July 2018, Tracey Talbert serves as CFSA's Clinical Supports Contracts Liaison. Ms. Talbert can be reached at tracey.talbert@dc.gov, (202) 727-4679, or (202) 489-2962. General information about CFSA's Education and Child Care Resources are available at: <https://cfsa.dc.gov/page/educationresources>.

* Information regarding CFSA's transportation services is based on a presentation delivered by CFSA for Children's Law Center staff in August 2017. Please contact CFSA's Office of Well-Being for current details regarding CFSA's transportation services.

SCHOOL TRANSPORTATION FOR CFSA STUDENTS

FROM THE EDUCATION TEAM IN
THE OFFICE OF WELL BEING AT
THE DC CHILD AND FAMILY
SERVICES AGENCY



The resource parent or other caregiver must make arrangements to ensure a child gets to and from school each day if school transportation is not provided by the school district or educational program. CFSA will provide time-limited transportation assistance in some scenarios.

ELIGIBILITY REQUIREMENTS

1. Children five (5) years of age and older;
2. A Best-Interest Decision is made at initial removal or placement changes for the child to remain in the current school; and
3. All alternative means of transportation (e.g., resource parents, other family members, special education transportation, public transportation, and/or day care providers) or supports to get a child to and from school have been fully explored and found unavailable.

BEFORE REFERRING A CHILD FOR TRANSPORTATION SERVICES:

At removal or upon replacement, ensure the resource parent has a plan in place to transport the child to/from school, and ensure they have considered all available transportation options (e.g., family members, caregiver, public transportation, and day care provider).

- ▶ If a child receives special education services, s/he may be eligible for transportation services through the child's IEP. The social worker should help the family fully explore that option before seeking transportation assistance from the agency. For more information on this process, see the Children's Law Center Tip Sheet (link on page 2).
- ▶ For children enrolled in public schools outside of the District of Columbia, the local public school system typically provides transportation to and from the neighborhood school. The social worker should contact the child's school to address any questions or concerns regarding school transportation.
- ▶ CFSA supports using public transportation to get to and from school if it is found to be a safe and appropriate means of transportation for a youth.

School stability is critical for the permanency and educational success for children in CFSA custody. Resolving transportation issues can often be the #1 strategy to ensuring school stability.

Here are some key tips to support good transportation decisions.

The Office of Well Being staff is here to help. Contact us with questions:

Grades K-5: Timothy Fitzgerald
(202) 727-8028
timothy.fitzgerald@dc.gov

Grades 6-8: Charlotte Williams
(202) 715-7787
charlotte.williams2@dc.gov

Grades 9-12: Cortni Mitchell-Colston
(202) 727-4951
cortni.mitchell-colston2@dc.gov

Contracts Liaison: Tracey Talbert
(202) 727-4679
tracey.talbert@dc.gov

General Questions: Megan Dho
Education Supervisor
(202) 727-1303
megan.dho@dc.gov



Once it is confirmed that all other transportation options have been exhausted:

- ▶ Submit a referral for transportation assistance using the OWB Universal eReferral form.
- ▶ All referrals must be approved by the OWB before services will be authorized. Final approval will not be given until the OWB has detailed information about the child's transportation needs (i.e., specific pick-up and drop-off times and locations). Approval of transportation requests are made within 3 business days after the complete referral is submitted, unless exigent circumstances exist or there is a need to expedite.
- ▶ When reviewing a referral, the OWB will consider the following factors:
 1. Other available transportation options (i.e., resource parent or caregiver, community resources, public transportation, whether special education transportation may be available, etc.);
 2. Child or youth's safety and best interests; and
 3. The length and distance of the child's commute.
- ▶ If the transportation request is approved, the contract vendor will notify the resource parent of the date services will be initiated and the specific pick-up and drop-off times.

Note: The authorized start date of service is three (3) business days from the date OWB approves transportation services. In the interim, the social worker or designee should work with the caregivers and other team members to ensure the child still gets to/from school.

CHANGING OR CANCELING SERVICES

- ▶ Transportation is a time-limited service that will be reevaluated every 90 days and does not exceed the duration of the current school year. If the need for transportation changes during the authorized period, the social workers should notify the OWB.
 - ▶ Any requests to change transportation (i.e., pick-up or drop-off locations or times) must be submitted to the OWB at least 24 hours before the requested change to ensure the transportation provider can accommodate the request.
 - ▶ If there is a need to cancel a transportation pick-up or drop-off for any reason, including illness, appointments, one-time change in the child's schedule, a child's absence, etc., the resource parent must contact the transportation vendor directly to request the cancellation.
 - ▶ Transportation services may be suspended or discontinued if either of the following occurs on more than three occasions without prior notification to the transportation vendor:
 - a. The child is not ready or is unavailable for pick-up.
 - b. The caregiver is not available to receive the child at drop-off. Before the transportation services are terminated or suspended, CFSA will attempt to resolve the issues of concern.
 - ▶ Any child who poses an immediate danger to self or others while on private transportation may be suspended from services to allow time for the social worker to address the issue.
 - a. The social worker may request a team meeting with the child, caregiver, and/or other relevant team members.
 - b. Transportation services may be discontinued if the behavior re-occurs or cannot be resolved.
- If either of these situations occurs, social workers should arrange alternative transportation to and from school for the child.

General

Transportation

Information: How Do Children Get to School?

DC PUBLIC SCHOOLS:

- ▶ WALK: THERE ARE GENERALLY NO SCHOOL BUSES IN THE DISTRICT
- ▶ PUBLIC TRANSPORTATION: STUDENTS IN DC ARE ELIGIBLE FOR THE SCHOOL TRANSIT SUBSIDY PROGRAM
- ▶ BUSES: WHEN A CHILD IS IN SPECIAL EDUCATION AND THE IEP EXPLICITLY INCLUDES TRANSPORTATION

MARYLAND SCHOOLS:

- ▶ WALK: STUDENTS MAY WALK TO SCHOOL IF THEY LIVE WITHIN WALKING DISTANCE
- ▶ PUBLIC TRANSPORTATION: STUDENTS CAN RIDE, BUT SCHOOL DOES NOT PROVIDE FUNDING
- ▶ BUSES: THE COUNTY PROVIDES BUSES FOR STUDENTS TO RIDE TO THEIR NEIGHBORHOOD SCHOOL

Transportation

Resources and Links

- ◆ **OSSE: Special Education Transportation Policy (updated 2014)**
 - <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20Transportation%20PolicyV07292014.pdf>
 - This policy seeks to establish a uniform system of standards and procedures for special education transportation services in D.C. that is consistent with the Individuals with Disabilities Education Act (IDEA) requirement to provide a free, appropriate public education (FAPE) to all students with disabilities. It is the expectation of OSSE that all LEAs adhere to this policy. OSSE DOT shall provide special education transportation services to students with disabilities when transportation is appropriately identified and documented on an IEP as a related service under the IDEA. This policy outlines the eligibility categories IEP Teams shall use in making special education transportation eligibility determinations and supporting related services designations.

- ◆ **OSSE: Division of Student Transportation (OSSE DOT)**
 - <https://osse.dc.gov/service/student-transportation-osse-dot>
 - This website provides key contact information and links to OSSE's DOT published resources.

- ◆ **OSSE: Transportation Handbook for Parents and Guardians of Special Education Students (updated 2014)**
 - https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Parent%20HandBook_Interactive_03.11.14_10AM.pdf
 - This handbook is a resource for parents and guardians outlining OSSE's provision of transportation to-and-from school for eligible special education students. It provides a clear understanding of expectations, roles, and responsibilities for both OSSE DOT and parents/guardians.

- ◆ **PGCPS Frequently Asked Questions: Transportation**
 - <http://www1.pgcps.org/page.aspx?Pageid=234147&id=235060>
 - This link outlines frequently asked questions about PGCPS Transportation Services. This website also provides a column with links to other facets of PGCPS's transportation services.

- ◆ **PGCPS Transportation Staff Contact List (last updated: 6/7/18)**
 - <http://www1.pgcps.org/transportation/index.aspx?id=5712>
 - Please see link above for PGCPS's transportation contact list. This website also provides a column with links to other facets of PGCPS's transportation services.

- ◆ **CFSA: Transportation Tip Sheet**
 - https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/page_content/attachments/Transportation_1.pdf
 - This tip sheet was developed by CFSA for social workers in 2015. The document includes information about CFSA's school stability transportation services, the eligibility standards for those services, and CFSA's internal referral process. NOTE: CFSA's specific transportation vendor changed in 2017, but the business process for service connection has not changed.

Overview

School Discipline and Bullying

In this section of the **Education Toolkit**, you will find information and resources about the rights of students to be appropriately disciplined (and not inappropriately removed from school), and the requirements for schools to address bullying when it is reported.

School Discipline

All students have due process rights that can be invoked when they are being subject to inappropriate school discipline, and special education students have additional protections under the law that prevent suspension for behavior that may be related to their disability. There are different rules and policies depending on where a student is enrolled. For DCPS students, schools follow the D.C.M.R.; for students enrolled in charter schools, the specific charter school's disciplinary policy (often in the parent handbook) applies; and, for students enrolled in PG County Public Schools, the PG County administrative procedures apply. However, the Student Fair Access to School Amendment Act of 2018 created new provisions of law for both DCPS's and public charter schools' use of discipline.

Additional legal resources for special education students are included in the tip sheets in this section, as well as in the [Special Education and Section 504 of the Rehabilitation Act](#) section of this practice kit.

Bullying

Given the increased awareness of bullying in schools and the long-term negative impact of bullying, schools are more and more frequently adopting (or being required to adopt) policies as to how a school will address bullying if it is reported by a student, parent or school staff. In DC, all schools are legally required to have a policy in effect regarding how the school will address bullying. Charter schools are supposed to have developed individual policies, and DCPS follows the DCPS District-Wide Bullying Prevention Policy. In PG County Public Schools, the PG administrative procedures apply.

Legal Resources & Polices

Federal

- [34 C.F.R. § 300.530 et seq.](#) (Discipline Regulations regarding Students with a Disability)

District of Columbia

- [D.C. Code § 38-235 et seq.](#) (Student Fair Access to School Amendment Act of 2018)
- [5-B D.C. Mun. Regs. §§ 2500-2599](#) (Discipline Regulations for DCPS)
- [1 D.C. Mun. Regs. §§ 2900-2909](#) (Regulations for DCPS Student Discipline Hearings at OAH)
- [D.C. Code § 2-1535.01-.09 et seq.](#) (Youth Bullying Prevention Act of 2012)

Maryland

- [Md. Code Regs. 13A.08.01.11](#) (Discipline Regulations)
- [Md. Code Regs. 13A.08.03](#) (Discipline Regulations regarding Students with a Disability)

CLC Tip Sheet

Student Discipline in DC Schools

What governs school discipline for students enrolled in DC schools?

The laws or policies governing how students are disciplined in school depend on where they attend. However, recently enacted reform legislation has created several uniform limitations on when schools can use out of school suspension and expulsion, covering both DCPS and public charter schools. Most charter schools maintain their own policies regarding discipline and students' rights. For students enrolled in DCPS, the disciplinary regulations can be found at 5-B D.C.M.R. § 2500 and 1 D.C.M.R. § 2901 *et seq.* **NOTE:** Some DCPS and public charter school discipline policies may be revised as a result of the new law, but the DCPS subsection of this document (see below) describes DCPS regulations as of July 2018. Special education students also have some disciplinary protections granted by federal law (for more information, see the Tip Sheet on [Special Education and Discipline](#) in this Section).

Do DC's school discipline laws apply to DC public charter schools as well?

The recently enacted Student Fair Access to School Amendment Act of 2018 applies to both DCPS and public charter schools, including the schools' pre-kindergarten programs. The new law contains several limits on the use of out of school suspension, involuntary transfer, and expulsion. See [D.C. Act 22-398](#), D.C. Code § 38-235 *et seq.*, and summary sheet.

Can a school send a student home for misconduct, if the student would miss less than half of the school day?

No, under the Student Fair Access law, this is an out-of-school suspension and must be counted as such. It is not permissible for a school to remove a student for misconduct at any point in the school day without complying with the requirements of DC's discipline laws.

How long can a student be suspended from school?

- **Elementary School (Grades K-5):**
 - 1-5 consecutive school days per individual incident
- **Middle & High School (Grades 6-12):**
 - 1-10 consecutive school days per individual incident
- **All Grades (Total per Student):**
 - 20 cumulative school days per school year, EXCEPT IF
 - The head of the LEA provides written justification to the student and parent OR
 - The student's conduct resulted in an emergency removal and written justification is provided to the student and parent by the head of the LEA. See D.C. Code § 38-238(b)(3).

Can students who are suspended make up work missed during the suspension?

Yes; all schools are required to create a general plan to ensure the continuity of education for students who are subject to a suspension (in-school or out-of-school). While the plan can be modified to meet the needs of an individual student, it must ensure students:

- Continue their studies during the suspension and receive all appropriate assignments for the duration of the suspension;
- Can communicate with school personnel regarding their academic work; and
- Can make up any school work missed during the suspension, if it cannot be completed during the suspension.

DCPS-Specific School Discipline

How is discipline defined in the DCPS regulations?

Disciplinary responses are divided into 5 tiers. Tier 1 is for minor infractions and Tier 5 covers the most severe infractions. Each tier has allowable consequences that correlate with the severity of the violation.

What are some examples of permissible disciplinary responses?

For lower tier offenses: verbal redirection, teacher/student conference, parental contact, temporary removal from the classroom, in-school disciplinary action or development of a behavioral contract. For higher tier offenses: all of the previously listed interventions/responses, plus on-site short term suspension with interventions, off-site medium to long-term suspensions, or expulsion as warranted; however, expulsion and any form of school exclusion should always be the last resort.

Can a DCPS student be suspended for missing school or attending without a uniform?

No. The DC disciplinary regulations specifically prohibit DCPS schools from suspending or expelling students for unexcused absences or failing to adhere to a mandatory uniform policy.

Can disciplinary action be taken against a student for actions that occur anywhere or at any time?

No. In order to take disciplinary action against a student in a DCPS school, the behavior must have occurred: 1) on school grounds; 2) on or off school grounds while participating in and attending a school function or activity, including field trips, extracurricular activities, or athletic events; 3) off school grounds and traveling in transportation provided by DCPS.

Students can also be disciplined for committing a prohibited offense during before-school or after-school programs, committing a prohibited offense off school grounds, or outside regular school hours that results in significant disruption to the school environment.

What due process rights should DCPS schools provide to students whenever a suspension or expulsion is being recommended?

- **Right to Written Notice:** The student and parent must be given written notice of all disciplinary action no later than 1 day after the disciplinary action is recommended.
 - That notice should include:
 - A description of the infraction and the rules upon which the action is based;
 - A summary of the facts;
 - The length of the proposed suspension or expulsion;

- The recommendation for an education plan or alternative educational setting; and
 - Information about the student's right to appeal.
- **Right to a Student Conference:** A school official must convene a conference with the student before taking disciplinary action to get their version of events.
 - The conference may include the parent or guardian and or the student's legal representative, but their participation is not required.
- **Right to Remain in School Until a Final Disciplinary Determination is Made:** Only where emergency conditions exist (see below) should a student be restricted from attending school prior to a conference or hearing.
- **Right to a Disciplinary Hearing** (whenever expulsion or a suspension of 11+ days is recommended): In these instances, the case is automatically referred to OAH for a disciplinary hearing. For more information on the hearing process, read below.
 - **NOTE: Beginning September 25, 2018, a suspension of 6 days or more will be considered a long-term suspension for purposes of due process. See D.C. Code § 38-238(g).**
- **Right to Inspect Records:** The student has a right to examine the student's records and the official report of the incident.
- **Right to Appeal the Disciplinary Action:**
 - **Short to medium-term suspensions:** When a student has been suspended for fewer than 11 days, the parent or guardian must request an appeal orally or in writing within 2 school days of receiving notice of the disciplinary action; appeal should be heard by principal or Chancellor's designee within 1 school day. Upon request, the time for an appeal may be extended up to three school days. A decision must be issued within 1 school day of the appeal being heard. A short-term suspension may be appealed to the principal, and a medium-term suspension may be appealed to a person designated by the Chancellor.
 - **Long-term suspensions or expulsions:** A DCPS student who has been suspended for 11 days or more or who has been expelled will have a disciplinary hearing, as prescribed by Chapter B25 of Title 5 of the DCMR; this is mandatory pursuant to 5-B DCMR § 2505.15. A hearing will be automatically held, and will occur not more than 4 school days after a written notice regarding disciplinary action is provided to the parent or guardian or adult student. The hearing may be postponed for not more than five days upon request of the parent, guardian, adult student, or his/her representative to allow time to prepare for the hearing. All hearings will be convened by the Office of Administrative Hearings (OAH) and scheduled by the Office of Youth Engagement (OYE). Parents and guardians should contact OYE at (202) 939- 3618 to ascertain the date of their student's disciplinary hearing. Note that DCPS will not proceed to request the OAH hearing for a student until their system indicates that a Manifestation Determination Review has occurred.
 - **NOTE: Beginning September 25, 2018, a suspension of 6 days or more will be considered a long-term suspension for purposes of due process and will supersede the above regulations. See D.C. Code § 38-238(g).**

Who oversees the disciplinary hearings for long-term suspensions and expulsions?

DC's OAH oversees the disciplinary hearings for DCPS Students; the hearings are scheduled by DCPS's OYE. An Administrative Law Judge (ALJ) presides over the hearing. The parent should receive a notice of the hearing several days prior to the scheduled hearing date and all hearings are conducted at the OAH offices located at: One Judiciary Square, 441 4th Street, NW, Suite 450 North, Washington DC 20001 (next to the Judiciary Square metro stop).

If you are working with a family and a student has been given a long-term suspension or expulsion, contact OAH to see if a hearing has been scheduled; if not, contact DCPS's OYE to ensure the hearing is timely scheduled.

What is the purpose of the disciplinary hearing?

The hearing gives both the parent/student and the school an opportunity to present their version of the facts. At the conclusion of the hearing, the ALJ will decide:

- Whether the student committed the alleged violations;
- The proper Disciplinary Tier for any violation committed; and
- Whether due process procedures have been followed.

Is there any time that a student can be suspended or expelled from school immediately without following the above procedures?

A student may only be excluded from school prior to a conference or hearing if they are contributing to an emergency situation at the school (defined at 5-B D.C.M.R. § 2504.4). An emergency situation may exist either because of general conditions in the school (e.g., a series of fires or false alarms, a large number of abuses of property) or because the behavior of an individual student is so disruptive or dangerous that it poses a real and immediate threat to the health and safety of the school community or the ability of the school to continue normal operations.

What are the student's due process rights in the conduct of disciplinary hearings?

- **Right to a continuance:** The parent/student may request to postpone the hearing up to 5 school days to prepare and secure witnesses for the hearing.
 - OAH has a standard form parents (or attorneys) can file to request another hearing date, accessible here: <http://oah.dc.gov/node/176542>.
- **Right to inspect records:** The parent/student has a right to inspect and see copies of the student's entire disciplinary file.
 - These records can be requested from OYE if the school cannot produce copies.
- **Right to bring a representative of the student's choice:**
 - It is highly recommended that GALs attend these hearings to defend their client's interests.
 - If you intend to serve as an attorney for the child at the hearing, you should file a notice of appearance to OAH in advance of the hearing – the standard form and filing instructions can be accessed on OAH's website: <http://oah.dc.gov>.
 - Attorneys planning to appear at an OAH hearing should also contact OAH to obtain the case number and the ALJ assignment, and request the DCPS evidence packet prior to the hearing.
- **Right to call witnesses and present documentary evidence in support of their case:**

- The judge and school district representative may ask questions of any witness presented.
- **Right to ask questions of any witness presented by the school and challenge any of their exhibits.**

When will OAH issue a decision and what impact does that decision have on the student?

The ALJ shall issue findings of fact and conclusions of law within one school day after the record closes. If the decision concludes that the student committed the alleged offense, DCPS is bound by the ALJ's findings of facts and conclusions of law, but has the discretion to decide the appropriate punishment within the proper tier found by the ALJ. If the decision concludes the student did not commit the alleged offense, DCPS is bound by that decision and cannot take further disciplinary action.

If the ALJ recommends that a suspension be reduced to fewer days in his/her decision, the school can ignore that recommendation and still issue a longer suspension?

Yes, so long as a longer term suspension is permitted within the applicable Tier as decided by the ALJ, the school has that discretion.

What can a parent do if they disagree with the ultimate disciplinary action recommended by the school?

The parent can appeal the final notice of discipline to either OYE or the Chancellor within 5 school days of receiving the notice.

CLC Tip Sheet

Student Fair Access to School Amendment Act of 2018 Summary

On July 12, 2018, the District of Columbia enacted uniform school discipline reforms applying to both DC Public Schools (DCPS) and public charter schools—the Student Fair Access to School Amendment Act of 2018 (Act 22-398). This new law helps ensure children with disabilities, children of color, and children in the foster care system will no longer be marginalized by being regularly sent home from school instead of receiving the educational supports they need to stay in the classroom and continue learning. Children’s Law Center, along with members of the Every Student Every Day Coalition, helped shape the legislation, which also drew from the experience of parents, teachers, lawyers and experts in the field to determine how to best keep students in school and learning.

Below is a summary of the new law. Unless otherwise noted, provisions are expected to go into effect beginning September 25, 2018. Some of the changes will go into effect immediately, other reforms will be phased in at later dates, and still others will go into effect only if there is funding available.

Reforms to Shorten Removals & Stop Removals for Non-Violent Behavior

The Student Fair Access to School Amendment Act sets limits on schools’ use of suspensions, expulsions, and involuntary transfers as disciplinary consequences.

Attendance-Related Discipline Outlawed: Schools are prohibited from using out-of-school suspensions, expulsions, or involuntary transfers for unexcused absences or late arrivals to schools. However, students can be unenrolled after accumulating 20 or more consecutive full-school-day unexcused absences.

Out-of-School Suspension Limit of 5 Days in Elementary School (Effective Date: October 1, 2018):

The duration of each out-of-school suspension cannot exceed **five consecutive school days** in Kindergarten through Grade 5.

Out-of-School Suspension Limit of 10 Days in Middle & High School (Effective Date: October 1, 2018):

The duration of each out-of-school suspension cannot exceed **ten consecutive school days** in Grades 6 through 12.

Out-of-School Suspension Limit of 20 Days Total in All Grades (Effective Date: October 1, 2018):

Regardless of grade, a student cannot be suspended from school for more than **twenty cumulative school days** in a school year. However, an exception may be made if the head of the LEA provides written justification to the student and parent of the student’s conduct resulted in an emergency removal and written justification is provided by the head of the LEA to the student and parent.

Limits on Exclusionary Discipline Use in Elementary & Middle School (Effective Date: Upon funding but no earlier than SY2019-2020; was not funded in DC’s Fiscal Year 2019 [FY19] budget): The use of

out-of-school suspensions, expulsions, and involuntary transfers in Kindergarten through Grade 8 is limited to incidents where a student's behavior poses a safety or emotional distress concern.

Limits on Exclusionary Discipline Use in High School (*Effective Date: Upon funding but no earlier than SY2020-2021; was not funded in DC's FY19 budget*): In Grades 9 through 12, an out-of-school suspension, expulsion, or involuntary transfer cannot be used consequently for any dress code violation, willful defiance, or any incident occurring off school grounds that is not part of a school-sponsored activity (unless the student's behavior poses a safety or emotional distress concern),

Uniform Definitions

The Student Fair Access to School Amendment Act provides uniform definitions applicable to all DCPS and public charter schools.

"Out-of-School Suspension" Definition Includes Partial Days: The "out-of-school suspension" definition clearly includes disciplinary removals from school attendance that are less than full school days and includes "involuntary dismissals." An "involuntary dismissal" is the removal of the student from school attendance for less than half of a school day.

Involuntary Transfers Are Same as Expulsions: The definition of "disciplinary unenrollment" is found in several provisions of the law that limit its use and includes both "expulsions" and "involuntary transfers."

"Willful Defiance" Defined: Research shows that students of color are seen as insubordinate, defiant, or disrespectful in situations where their white peers are not seen that way for the same behaviors. As such, the definition of "willful defiance" was included to cover such situations.

Right to Due Process Hearing for Shorter Suspensions

Higher Level of Due Process Required Earlier: For purposes of due process before deprivation of the attending school, a suspension of **six school days or more** is now a "long-term suspension." DCPS must provide a hearing at the Office of Administrative Hearing and public charter schools must provide a comparable type of hearing for any out-of-school suspensions of six days or longer.

Improved Disability Protections

Schools Must Consider whether ALL Disabilities were Root Cause of Behavior: In a manifestation determination review (MDR), all of a student's disabilities, of which the school had prior knowledge, must be considered. Schools must stop only considering the Primary Disability listed on the Individualized Education Program as they determine whether the child's conduct was caused by the child's disabilities.

Lack of Parent Attendance Cannot Prolong Suspensions

Outlaws Extended Suspensions because a Parent Has Not Come to the School: Schools cannot keep children out of school longer than the original suspension because a parent/guardian has not come to the school. This includes requiring a parent/guardian to accompany the student to school or attend a conference.

School Policies

The Student Fair Access to School Amendment Act fosters reform in local education agencies' (LEA) policies for school climate and discipline, including an emphasis on positive behavior.

School Policy Changes: LEAs are required to develop more transparent, robust, and evidence-based school discipline policies, in consultation with school personnel, students, and parents. The policies must ensure students can access their educational program and clearly state the due process rights and procedures available to students and parents/guardians. In addition:

- The LEA/school must provide students and parents/guardians a copy of its school discipline policy and explanations of the policy, including explanations of expectations, rights, and responsibilities of students under the policy.
- The LEA/school must make the school discipline policy publicly available, including on the LEA/school's website.

Continuity of Education Plan: Schools are required to have a general plan for continued education for any student suspended (in-school or out-of-school). While the plan can be modified to meet the needs of an individual student, it must ensure students:

- Continue their studies during the suspension and receive all appropriate assignments for the duration of the suspension;
- Can communicate with school personnel about academic work; and
- Can make up any school work missed during the suspension, if it cannot be completed during the suspension.

School and Educator Supports

The Act creates additional supports provided by the Office of the State Superintendent of Education (OSSE) to promote trauma-informed educational settings.

School Safety and Positive Climate Fund: OSSE is required to support schools with technical assistance, high-quality professional development, and the facilitation of postsecondary degree/certificate programs, including a trauma-informed educator certificate program. The fund will be used to support these requirements, as well as additional needed school supports for interventions.

School Supports (Effective Date: Upon funding; was not funded in DC's FY19 budget): OSSE is also required to provide LEAs with any needed additional supports for interventions that allow them to reduce their use of exclusionary discipline.

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Special Education & Discipline

Students who receive special education services under the federal Individuals with Disabilities Education Improvement Act (IDEA) have additional protections. This tip sheet details some important disciplinary provisions in federal and local law and regulations for special education students that you can use to advocate in your cases.

Continued Services

If a special education student has been removed from his or her current school placement for 10 days in a school year, the school system must continue to provide services that allow the child to participate in the general education curriculum and make progress toward their IEP goals. *See* 34 C.F.R. § 300.530.

- These services may be provided in an interim alternative educational setting, as decided by the IEP team. *See* 34 C.F.R. § 300.531.

Change of Placement

A removal of 10 or more consecutive days in a school year is a change of placement. A pattern of removals totaling more than 10 days in a school year that involves similar behaviors may also be a change of placement. *See* 34 C.F.R. § 300.536.

Manifestation Determination

There cannot be a change of placement without the school system holding a meeting, called a manifestation determination, to determine if the behavior resulting in the discipline is a manifestation of the child's disability. *See* 34 C.F.R. § 300.530(e-f).

- If it is determined that the school district has failed to implement the IEP or that the child's behavior was a manifestation of the child's disability, the child must be allowed to return to the original placement and not be suspended or removed unless the parent and school agree otherwise. A functional behavior assessment (FBA) must also be conducted or an existing behavior intervention plan be revised.
- **NOTE: Pursuant to the Student Fair Access to School Amendment Act of 2018, ALL of a student's disabilities, of which the school had knowledge, must be considered in a manifestation determination review. See D.C. Code § 38-239.**

Exception for Dangerous Behaviors

Regardless of the manifestation determination, a school system may remove a child to an interim alternative setting for certain behaviors, such as bringing a weapon to school or inflicting serious bodily injury on a person at school, for up to 45 days. *See* 34 C.F.R. § 300.530(g).

Right to Appeal

Parents or the LEA can appeal disciplinary decisions relating to special education students. Decisions about manifestation determinations and placement can be appealed to a hearing officer. *See* 34 C.F.R. § 300.532.

- Disciplinary due process hearings are expedited and follow state timelines.

Students Who Have Not Yet Been Found Eligible for Special Education

Students who do not receive special education services may still be eligible for the special education disciplinary protections if the school system had knowledge that the child had a disability, e.g. if the parent had requested an evaluation. *See* 34 C.F.R. § 300.534.

- If a request for an evaluation is made while a student is in a disciplinary removal, the evaluation must be conducted on an expedited basis.

Before a Student is Suspended or Expelled

- Be proactive, especially if the student has previously struggled with school discipline.
 - When sending records requests, include a specific request for all disciplinary records, and ask that they be contemporaneously provided to you.
 - For students not yet found eligible for special education and related services, notify the school system that you believe they are eligible and should be afforded the protections of an eligible student until the eligibility process is completed.
 - Determine, at the outset of each school year, how the “chain of command” works with respect to discipline in the student’s school, e.g., are suspension requests signed off on by specific school personnel, or are they supposed to be? Ensure that all correspondence regarding eligibility is copied to that individual, as well as the special education coordinator or principal where appropriate.
- Make sure your client informs you of suspension days that may not be formal suspensions --- e.g., the student being sent home early or the parent being told to keep the student home for a field trip or other school day.

When Your Client Receives a Short-Term Suspension

- Immediately contact the school and request all documentation regarding the suspension.
- If documentation is not received contemporaneously, ask directly (or have your client ask) the student what happened, and (if appropriate) memorialize your client’s version of events as well as the fact that documentation was not provided.
- Keep track and provide the school with notice when the student has been suspended out of school (including send homes) for 10 days.
 - Please visit the CLC Tip Sheet on [Multiple Short-Term Suspensions](#) for additional guidance.

When a Student Receives a Long-Term Suspension or Expulsion

- If a student is referred for a long-term suspension (10 days or more, or an out of school suspension that brings the student over the 10th day), the school must hold a Manifestation Determination Review (MDR) meeting before the student serves the 10th day to prevent a denial of FAPE.
- Students may be suspended for long-term periods without the MDR being held first, but only in cases of extreme risks to health and safety. Push the school district to be very clear about why a student is a safety risk if they are advocating the student be suspended for these reasons, especially if they are not recommending a change in placement.
- If the student is suspended for more than 10 days they will be referred for a hearing at the Office of Administrative Hearings.

- If the alleged infraction has resulted in, or the school is threatening, criminal charges, consider connecting the student with the Public Defender Service for further advice.

At the Manifestation Determination Review Meeting (MDR)

- Prior to the MDR meeting, you should be provided with all of the student's records. If you have not, note this objection at the outset of the MDR meeting. Also make sure to discuss with the student beforehand whether they have given any reports or statements about the incident and what they plan to say at the MDR.
- Sometimes it is best to have the student write a letter or statement to use as a guide for their discussion or in lieu of providing an oral statement, as the student may become upset or frustrated when the incident is discussed or different versions of the incident are shared. Students should not be encouraged to give written or other statements without an attorney present; this is particularly true if there is an open delinquency matter related to the alleged infraction.
- Advocate for extended discussion at the MDR of both the impact of the student's disability, and whether or not the school district is implementing the IEP or if there are other violations of the IDEA, including whether or not the school has timely developed a Functional Behavioral Assessment and Behavioral Intervention Plan.
- During the MDR, develop a plan for the student to make up any missed work, discuss any compensatory education that may be warranted for missed IEP services, and discuss any warranted increase in services under a student's IEP.

If a Student is Suspended

- Make sure they have been placed in an interim alternative education setting that can implement their IEP. In the case of charter schools, make sure the alternate educational setting is identified at the MDR. Charter schools cannot place students at DCPS's alternative placement (called "CHOICE" Academy) and often don't have an identified alternative placement for disciplinary purposes. As a result, they are often confused about where to place a student, but long-term discipline removal must be to an appropriate interim alternative educational setting that can implement the student's IEP, which most likely cannot be done in the student's home or at a local library (as schools often propose).

Legal Resources & Policies

Federal

- [20 U.S.C. §§ 1415\(k\)\(1\)\(C-G\)](#): Manifestation determination/placement
- [20 U.S.C. § 1415\(k\)\(2\)](#): Interim Educational Setting determined by IEP team
- [20 U.S.C. § 1415\(k\)\(3\)](#): Appeal of placement or manifestation determination
- [34 C.F.R. § 300.530 et seq.](#)
- Dear Colleague Letter on the Inclusion of Behavioral Supports, 8/1/2016, available at: <https://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf>

District of Columbia

- [D.C. Code § 38-235 et seq.](#) (Student Fair Access to School Amendment Act of 2018)
- [5-B D.C.M.R. § 2510](#) (DCPS Regulations regarding Discipline of a Student with a Disability)
- Charter School Handbooks: Most are available on the charter school website and/or the Public Charter School Board website

CLC Tip Sheet

Advocacy Tips for Multiple Short-Term Suspensions

Actions to Take If a Student Incurs Several Shorter Suspensions in a School Year

- Attorney should total the number of days of suspension, including official out-of-school suspensions, in-school suspensions and any “unofficial suspensions” (when a school requires a parent to pick a child up early but no suspension is documented).
 - For in-school suspensions, attorneys should determine if the child received education and related services while in suspension. If so, it will be harder to argue that this is a day of suspension that counts towards the 10 total days.

- If the child has a disability or the school has been on notice in writing of a suspected disability, prior to day 11 of a child being excluded for the school year, the school must hold a Manifestation Determination Review.
 - Unless the school can show emergency circumstances as defined in the law, the school may not exclude a child with a disability or suspected disability for more than 10 total school days in the school year.
 - If the school does not schedule one on their own, attorney should demand an MDR before additional days of suspension go forward.
 - **Evaluations:** Consider whether you should request evaluations while the child is suspended so that they will be expedited pursuant to 20 U.S.C. § 1415(K)(5)(d)(ii).

- **Manifestation Determination Review Meeting:**
 - **Prepare for the MDR:**
 - Review student records and flag:
 - Any links between behavior and previous documented behavior/disability impact (e.g., IEP notes regarding child’s impulsivity); and
 - Any indication IEP was not being implemented (missed behavioral support services).
 - Request any missing records from the school.
 - Prepare client/student for MDR
 - Discuss what client/educational decision-maker will say, and what student will say (if anything).
 - If criminal charges have been, or may be, filed, consider consulting with a defense attorney for the student.
 - Consult with expert/outside providers regarding their input on manifestation, and consider inviting to MDR.
 - **At the MDR:**
 - Note any violations of IDEA (e.g., MDR scheduled too late, records not provided).
 - Advocate for finding that behavior is a manifestation of the child’s disability and that child be allowed to immediately return to school.
 - If school agrees behavior is a manifestation:

- Request an FBA and updated BIP per statutory requirements;
 - Develop a plan for student making up any missed work;
 - Discuss compensatory education for missed services; and
 - Discuss increased services.
 - If school finds behavior is NOT a manifestation:
 - Advise school that parent/educational decision-maker will be appealing determination and invoking stay put, if suspension is ongoing; and
 - If representing the parent/educational decision-maker, file Due Process Complaint, Motion for Expedited Hearing and Motion for Stay Put Injunctive Relief. Note that hearing timelines will be expedited.
- Conduct 504 or IEP meeting to request disciplinary accommodations, behavior improvement plan creation/changes, changes to social emotional services/goals and any additional evaluations needed.

CLC Tip Sheet

Bullying and School Safety Issues

The Basics: Defining Bullying and School Responsibilities

Bullying is generally understood as unwanted, aggressive behavior, repeated over time, where the aggressor is more powerful than the victim (whether this is a real or perceived power imbalance). It is important to note, however, that power need not consistently be held by the aggressor – a student who bullies one day can be a victim the next.

District of Columbia

In DC, “bullying” is defined as “any severe, pervasive or persistent act or conduct, whether physical, electronic or verbal that [...] may be based on the youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic [...] and can be reasonably predicted to (a) place the youth in reasonable fear of physical harm to his or her person or property; (b) cause a substantial detrimental effect on the youth’s physical or mental health; (c) substantially interfere with the youth’s academic performance or attendance; or (d) substantially interfere with the youth’s ability to participate in or benefit from [school activities or services]” See D.C. Code § 2-1535.01(2)(A).

Under the Act, all DC agencies that provide “services, activities or privileges to youth” must have a policy to address bullying that includes this definition. See D.C. Code § 2-1535.01 *et. seq.* Additionally, DCPS’s policy notes that “bullying also occurs when a student or group of students maliciously spread rumors about another student.” See the “DCPS District-Wide Bullying Prevention Policy” (link available in the Toolkit).

Maryland:

Maryland law defines “bullying, harassment, or intimidation” as “intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication that [...] (i) creates a hostile educational environment by substantially interfering with a student’s educational benefits, opportunities, or performance, or with a student’s physical or psychological well-being and is [...] motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or, threatening or seriously intimidating; and [...] (ii) occurs on school property, at a school activity or event, or on a school bus; or, substantially disrupts the orderly operation of a school.” See MD Code Educ. § 7-424.1(a)(2).

This law requires the Maryland State Board of Education to develop a model policy prohibiting bullying for in schools, using either the definition set forth in the code or a definition that was no less inclusive. See MD Code Educ. § 7-424.1(b)(2)(iii).

What Actions Steps Should I Take if a Student Reports Being Bullied?

- **TALK TO THE STUDENT/CLIENT FIRST.** Discuss the student's ideal approach to resolving the situation – some examples are: meeting with a neutral adult and the other student to mediate a solution or requesting a safety transfer to another school. Be sure to discuss what details the student is comfortable sharing with particular persons before making disclosures.
- **DOCUMENT** all bullying incidents in your own files and request that the school document all bullying incidents in accordance with their existing policies.
 - **DCPS:** Under DCPS's current policy, DCPS must investigate each and every reported incident of bullying within 30 days of the report and create a written record of the incident.
 - **PGCPS:** Under PG County Public School's current policy, reports of bullying must be made in writing (but can be made electronically). Once a report of bullying is received, the school then has two school days to investigate.

As part of the reporting and investigation process, both DCPS and PGCPS bullying policies direct the school to develop an intervention plan to address the impact of reported bullying on the student.

- **INFORMAL APPEALS:** If a school fails to investigate a report of bullying, in accordance with the school district's policy, or if the parent or student is not satisfied with the outcome of the investigation, an appeal may be made for further assistance:
 - **DC (DCPS and public charter schools):** Contact Suzanne Greenfield, Director, Citywide Youth Bullying Prevention Program. Ms. Greenfield is responsible for assisting all DC schools and other District agencies in complying with DC's Youth Bullying Prevention Program. Ms. Greenfield may also be a helpful contact if you are working with a charter school that has not yet developed a bullying prevention policy. See Citywide Youth Bullying Prevention Program, available at <http://ohr.dc.gov/bullyingprevention>.
 - **PGCPS:** Contact the Department of Student Services at 301-567-8670. The Department may conduct an independent review and investigation, meet with the parent and school-based personnel, and develop alternate strategies or supports.

What Can I Do If a Bullied Student Wants to Change Schools?

DCPS

The parent may request a safety transfer for the student to another school, if the parent or student believes that the student is no longer safe at his or her school placement. If the student has been the victim of a violent crime, the student may be eligible for an "Individual Student Victim Transfer" under 5-E D.C.M.R. § 3809. If not, the parent may still request that the student be transferred due to safety concerns related to bullying, although there is no codified process for doing so. Such a request should be made to the school principal and the instructional superintendent.

PGCPS

PG County's Administrative Procedure on Student Transfers (included in this Toolkit) allows for school transfers where the student has been the victim of a violent criminal offense. Students may also request transfers in other situations, but it is in the discretion of the school to approve them based on space and availability.

What Can I Do if the School Fails to Respond or Does Not Respond Appropriately to a Report of Bullying?

District of Columbia

- File a Complaint with the DC Office of Human Rights or the US Department of Education Office for Civil Rights (see Toolkit section on Dispute Resolution).
- For special education students, consider filing a due process complaint or a state complaint (see Toolkit section on Dispute Resolution).

What Protections Against Bullying Apply to Special Education Students?

Special education students are not afforded distinct protections by the current bullying policies. However, the U.S. Department of Education has informed schools that bullying of a student with a disability, to the extent that it adversely impacts the student's ability to receive meaningful educational benefit, constitutes a denial of a free appropriate public education ("FAPE"). Where a student with a disability is experiencing bullying, schools may need to convene an IEP team meeting to assess whether the student's needs have changed as a result. See Letter from Ms. Melody Musgrove and Mr. Michael K. Yudin, U.S. Dept. of Education – Office of Special Education and Rehabilitative Services, "Dear Colleague – Bullying of Students with Disabilities," dated August 20, 2013.

Where Can I Find Additional Bullying Resources in DC & MD?

District of Columbia

- Model Bullying Policy (DC), available at <http://ohr.dc.gov/bullyingprevention/policy>.
- "Know Your Policy Web Portal" (<https://ohr.dc.gov/page/knowyourpolicy>) to look up the policy of a specific DC school or agency.
- Bullying Prevention and Intervention in DC Educational Institutions: A Training Toolkit – available at <https://ohr.dc.gov/node/1061302>.

Maryland

- Maryland Department of Education – Bullying Prevention, available at <http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/Bullying/index.aspx>.
- Maryland's Model Policy to Address Bullying, Harassment or Intimidation, available at <http://marylandpublicschools.org/about/Documents/DSFSS/SSSP/Bullying/ModelBullyingPolicy2016.pdf>.

DC Student Discipline Reform Legislation Effective Dates

PROVISION	EFFECTIVE DATE
Key Term Definitions Apply to Both DCPS and Public Charter Schools: Terms with new universal definitions include: Bodily Injury; Disciplinary Unenrollment; Emergency Removal; Emotional Distress; Exclusion; Expulsion; In-School Suspension; Involuntary Dismissal; Involuntary Transfer; Out-of-School Suspension; Suspension; and Willful Defiance.	September 25, 2018 DC Code § 38-235
“Out-of-School Suspension” Definition Includes Partial Days: “Out-of-school suspension” definition clearly includes disciplinary removals from school attendance that are less than full school days and includes “involuntary dismissals.” “Involuntary dismissal” is the removal of the student from school attendance for less than ½ of a school day.	September 25, 2018 DC Code § 38-235
Involuntary Transfers Are Now Equivalent to Expulsions: “Disciplinary unenrollment” definition is found in several provisions of the law that limit its use and includes both “expulsions” and “involuntary transfers.”	September 25, 2018 DC Code § 38-235
Definition “Willful Defiance”: “Willful defiance” is disrupting school activities or intentionally defying the valid authority of school staff.	September 25, 2018 DC Code § 38-235
School Policy Changes: LEAs must develop more transparent, robust, and evidence-based school discipline policies that ensure students can access their educational program and that clearly state the due process rights and procedures available to students and parents/guardians.	September 25, 2018 DC Code § 38-237
Limits on Exclusionary Discipline Use in Elementary & Middle School: The use of out-of-school suspensions, expulsions, and involuntary transfers in Kindergarten through Grade 8 is limited to incidents where a student’s behavior poses a safety or emotional distress concern.	Beginning SY2019-2020 or upon funding (whichever is later) DC Code § 38-238(a)(1)
Limits on Exclusionary Discipline Use in High School: In Grades 9 through 12, an out-of-school suspension, expulsion, or involuntary transfer cannot be used consequently for any dress code violation, willful defiance, or any incident occurring off school grounds that is not part of a school-sponsored activity (unless the student’s behavior poses a safety or emotional distress concern).	Beginning SY2020-2021 or upon funding (whichever is later) DC Code § 38-238(a)(2)
Out-of-School Suspension Limit of 5 Days in Elementary School: The duration of each out-of-school suspension cannot exceed 5 consecutive school days in Kindergarten through Grade 5.	October 01, 2018 DC Code § 38-238(b)(1)
Out-of-School Suspension Limit of 10 Days in Middle & High School: The duration of each out-of-school suspension cannot exceed 10 consecutive school days in Grades 6 through 12.	October 01, 2018 DC Code § 38-238(b)(2)

Out-of-School Suspension Limit of 20 Days Total in All Grades: Regardless of grade, a student cannot be suspended from school for more than 20 cumulative school days in a school year, except if the LEA head provides written justification to the student and parent or if the student’s conduct resulted in an emergency removal and written justification is provided by the LEA head.	October 01, 2018 DC Code § 38-238(b)(3)
Attendance-related Discipline Outlawed: No out-of-school suspensions, expulsions, or involuntary transfers for unexcused absences or late arrivals to school. However, students can be unenrolled after accumulating 20 or more consecutive full-school-day unexcused absences.	September 25, 2018 DC Code § 38-238(c)
Continuity of Education Plan: Schools are required to have a general plan for continued education for any student suspended (in-school or out-of-school).	September 25, 2018 DC Code § 38-238(b)(4)
Lack of Parent Attendance Cannot Prolong a Suspension: Schools cannot make a parent/guardian’s presence at their child’s school a prerequisite to the student’s return to school post-suspension.	September 25, 2018 DC Code § 38-238(e)
Higher Level of Due Process Required Earlier: For purposes of due process, a suspension of 6 school days or more is considered a “long-term suspension.” We believe that DCPS must provide a hearing at Office of Administrative Hearings and that PCS schools must provide a roughly comparable type of hearing.	September 25, 2018 DC Code § 38-238(g)
Manifestation Determination Reviews Must Consider All Disabilities: All of a student’s known disabilities, not just the primary disability on an IEP, must be considered in a manifestation determination review.	September 25, 2018 DC Code § 38-239
School Safety and Positive Climate Fund: OSSE is required to support schools with technical assistance, high-quality professional development, and the facilitation of postsecondary degree/certificate programs, including a trauma-informed educator certificate program. The fund will be used to support these requirements, as well as additional needed school supports for interventions.	October 01, 2018 DC Act 22-398 (Section 207)
School Supports: OSSE is required to provide LEAs with needed additional supports for interventions that allow them to reduce their use of exclusionary discipline.	Upon funding DC Code § 38-240

Discipline and Bullying

Resources and Links

District of Columbia

- **DCMR Chapter 25, Title 5: Student Discipline** (discipline regulations in DCPS)
 - <https://www.dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=5-B25&ChapterId=226>
- **DCPS Chief of Schools Guidance Regarding Select Chapter 25 Provisions** (DCPS' guidance to schools regarding Chapter 25 and the District's interpretation thereof)
 - Behavior and Disciplinary Responses (Version 1.0) – August 2015:
<https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Guidance%20Regarding%20Select%20Chapter%2025%20Provisions%20Behavior%20and%20Disciplinary%20Responses.pdf>
 - Alternatives to Suspension (Version 1.5) – January 2016:
<https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Chapter%2025%20Provisions%20Alternatives%20to%20Suspension%20Version%201-5.pdf>
- **DCPS District-Wide Bullying Prevention Policy**
 - <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS%20Bullying%20Prevention%20Policy.pdf>
 - The purpose of the DCPS's district-wide approach to bullying prevention is to promote strategies at the district and school level that will ensure that all students can learn in a safe, healthy, and supportive environment that is free from bullying. The above policy explains DCPS's four key areas of focus in preventing bullying.

Maryland

- **PGCPS Administrative Procedures:**
 - **5052: Alternative Schools and Programs for Expelled and Disruptive Student and the Incarcerated Youth Program:** provides expelled, court involved, or disruptive students from PGCPS with opportunities to progress toward a high school diploma during the expulsion period, or when attendance at a regular school is not an appropriate option
 - **5115: Student Appeals of Long-Term Suspensions and Expulsions:** provides procedures for use in student appeals of long-term suspensions and expulsions before the PGCPS's Board of Education.
 - **5062: Student Behavior Interventions:** provides PGCPS's guidance and procedures which assure compliance with regulations pertaining to student behavior interventions.
 - **5144: Cooperation with Law Enforcement Officers Contacting Students:** establishes PGCPS's procedures to govern contacts by law enforcement personnel with students at school.
 - **5143: Bullying, Harassment, or Intimidation:** outlines PGCPS's approach to maintaining a safe school environment that is conducive to learning. This also details the expectations of school administrators and staff to promote the prevention of bullying, harassment, and intimidation as well as prohibit reprisal or retaliation against individuals who report these acts.

- **Student Rights & Responsibilities Handbook**

- http://www.pgcps.org/student_rights_responsibilities.htm
- The purpose of this handbook is to provide a framework for academic standards and positive student behavior. The contents promote positive, supportive and inclusive learning environments to maximize students' academic achievements and minimize students' behavior issues. The handbook creates a structure where students, parents and teachers forge education partnerships and relationships critical to student's success.

* Please visit the CLC Tip Sheet on Bullying and School Safety Issues for additional bullying policies and resources pertinent to DC and Maryland schools.

Overview

Attendance and Truancy

In this section of the Education Toolkit, you will find information and resources regarding the current regulations, policies, and guidance in the District of Columbia and Maryland as they pertain to school attendance, as well as interventions and consequences for students and their parents for truancy.

Children in DC and Maryland are required to attend school every weekday unless they have a valid excuse for being absent, such as a medical illness. In DC, children are required to attend school daily from ages five to eighteen; five-year-olds are required to attend school if they are five-years-old on or before September 30th in a given school year. In Maryland, the mandatory age of school attendance was recently raised to age eighteen. Schools are required to provide a range of interventions to children who fail to attend school regularly and their parents in an attempt to curtail truant behavior. Such interventions may include school meetings and conferences, attendance intervention plans, and referrals for various services. If such interventions do not lead to the student's improved attendance, however, schools in DC must refer the student's parent to the court for educational neglect or the student to the Juvenile Justice system as a Person in Need of Supervision ("PINS"), depending on the student's age.

Attorneys and advocates should be aware of revisions to DC's Truancy Laws made in 2016 pursuant to the School Attendance Clarification Amendment Act of 2015. The Act mandates that schools (1) refer any student ages 5-13 to the Child and Family Services Administration (CFSA) when that student accumulates ten unexcused full school day absences and (2) refer any student ages 14-17 to Court Social Services and to the Office of the Attorney General (OAG) when that student accumulates fifteen unexcused full school day absences. See D.C. Code §§ 38-201 to -213.

This section provides information and resources regarding how attendance and truancy are defined in DC and Maryland, including the Prince George's County policies on attendance, and a truancy guide developed by the Office of the State Superintendent of Education (OSSE) for DC students (DCPS and public charter school). This section also provides a tip sheet on how to address truancy and advocate for students who may be struggling to attend school regularly.

Legal Resources & Policies

District of Columbia

- [D.C. Code §§ 38-201 to -213](#) (compulsory school attendance laws)
- [D.C. Code § 38-238\(c\)](#) (discipline law regarding attendance issues)
- [5-A D.C. Mun. Regs. §§ 2100-2199](#) (compulsory school attendance regulations)

Maryland

- [PGCPS Administrative Procedure on Student Attendance, Absence and Truancy](#)

CLC Tip Sheet

Attendance and Truancy in the District of Columbia

Who is Responsible for Making Sure Children Attend School?

- The parent, guardian, or legal custodian. *See* D.C. Code § 38-202(a).
- Under DC law (*see* D.C. Code § 38-203), the parent, guardian, or legal custodian of a minor who is of absent from school without a valid excuse is guilty of a misdemeanor and may be fined, imprisoned, or both for each offense.

What is an Unexcused Absence?

Missing any part of a school day without a valid excuse is presumed to be an unexcused absence. *See* 5-A D.C.M.R § 2102.1.

How Can I Get an Absence Excused for My Child?

- The parent, guardian, or legal custodian has to provide a valid excuse within 5 school days of the child returning to school. *See* D.C. Code § 38-203(c)(2).
- Under DC regulations (*see* 5-A D.C.M.R. § 2102), all schools are required to list the categories of absences they will accept as excused and should be clearly explained in the student's parent or student handbook. At minimum, all schools must include the following categories of excused absence:
 - Illness or other legitimate medical cause experienced by the student;
 - Exclusion, by direction of DC authorities, due to quarantine, contagious disease, infection, infestation, or other condition requiring separation from other students for medical or health reasons;
 - Death in the student's family;
 - Necessity for the student to attend judiciary or administrative proceedings as a party to the action or under subpoena;
 - Observance of a religious holiday;
 - Lawful suspension or exclusion from school by school authorities;
 - Temporary closing of facilities or suspension of classes due to severe weather, official activities, holidays, malfunctioning equipment, unsafe or unsanitary conditions, or other condition(s) or emergency requiring a school closing or suspension of classes;
 - Failure of DC to provide transportation in cases where there is a legal responsibility;
 - Medical or dental appointments for the student;
 - Absences to allow students to visit their parent or a legal guardian, who is in the military; immediately before, during, or after deployment; and
 - An emergency or other circumstances approved by the school.

Attendance Record

- All teachers are required to keep an accurate daily attendance record for students. *See* D.C. Code § 38-203(a).

Legally Permissible Consequences for Students with Multiple Unexcused Absences

- Students ages 5 through 13 will be referred to the Child and Family Services Agency (CFSA) no later than 2 business days after the accrual of 10 unexcused full school day absences within a school year.

- Students ages 14 through 17 will be referred to the Court Social Services Division of the Superior Court of the District of Columbia and the Office of the Attorney General Juvenile Division no later than 2 business days after the accrual of 15 unexcused full school day absences within a school year.
- Students may permissibly receive certain disciplinary sanctions for attendance issues. For instance, “unexcused lateness for school or class” is listed as a “Tier 1” behavior in DCPS’s disciplinary scheme, which includes behaviors that are “insubordinate or cause minor disruptions to the academic environment but do not involve damage to property, self, or others.” *See* 5-B D.C.M.R. § 2502.1.
- Students in non-public placements may lose their funding and placement if they miss ten days or more of school and do not follow through with appropriate attendance interventions.

Unlawful Consequences for Public School Students with Multiple Unexcused Absences

- Expulsions and out-of-school suspension are not allowed for unexcused absences or tardiness. *See* D.C. Code § 38-203(f-1).
- Unenrollments from school for unexcused absences or tardiness are not allowed, unless 20 or more full school day consecutive unexcused absences has been accumulated or unless the student is in an adult education program. *See* D.C. Code § 38-203(f-2).
- **NOTE:** The above two provisions will be repealed, as of September 25, 2018, and similar language will be found at D.C. Code § 38-238(c), pursuant to the Student Fair Access to School Amendment Act of 2018. The new language will include that involuntary transfers are also not allowed for unexcused absences or tardiness.

Is a PINS Case Such a Big Deal? What is the Worst that Can Happen?

While the services available to PINS youth and the charges in a PINS case may be different, the Court has very similar authority to the powers it holds in any other juvenile case. Students charged with PINS cases can be removed from their home and required to participate in various services if they do not comply with probation conditions – in fact, youth can even be committed to the care and custody of the Department of Youth Rehabilitation Services (DYRS) if a youth is not compliant with probation conditions (which almost always include regular school attendance).

Dos and Don'ts for Working with Students with Attendance Issues

- **DO** make sure the student and parent are aware of the consequences for unexcused absences and remind them regularly!
- **DON'T** let a student sign an Attendance Contract without reviewing it. **DO** (where you have been given the opportunity to review the contract) include provisions regarding interventions the school should provide.
- **DO** make sure students returning from or being placed in out-of-state placements are aware that the compulsory age for attendance in DC still applies to them.
- **DON'T** assume, however, that out-of-state facilities are aware of how the compulsory school age in DC may vary from their own jurisdiction. How does this relate to truancy? For instance, if the compulsory age of school attendance in State X is 16 (and students can take the GED at 16), a 16-year-old DC student may return to the District having passed the GED but still be subject to DC’s mandatory attendance law.
- **DON'T** be shy about asking to see documentation of a school’s efforts to provide truancy intervention, especially where a court referral is contemplated.

Attendance and Truancy

Resources and Links

District of Columbia

◆ OSSE Attendance and Truancy Resources

- [https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Attendance%20and%20Truancy%20Resources%20%28Parent%20Notice%29 June%202022%2C%202018.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Attendance%20and%20Truancy%20Resources%20%28Parent%20Notice%29%20June%202022%2C%202018.pdf).
- This document outlines OSSE's Attendance and Truancy Resources, including links to the DC Laws and Regulations related to attendance and truancy. This may be a valuable resource for parents, guardians, or caregivers of youth attending school in the District of Columbia.

◆ DCPS Attendance and Truancy Policy

- https://dcps.dc.gov/sites/default/files/dc/sites/dcps/page_content/attachments/FINAL%20DCPS%20Attendance%20and%20Truancy%20Policy%2008-21-18.pdf
- DCPS updated its attendance and truancy policy in August 2018. This policy will take effect with the start of the 2018-2019 school year and supersedes any prior DCPS policies regarding attendance and truancy.

◆ PGCPS Administrative Procedure (5113), Student Attendance, Absence, and Truancy

- <http://www1.pgcps.org/generalcounsel/index.aspx?id=179107>
- This document outlines PGCPS's procedures for reporting and confirming student absences, as well as the steps schools and caregivers should take to prevent truancy.

Overview

Graduation and Promotion

This section of the Education Toolkit outlines the regulations and policies governing graduation and promotion requirements for District of Columbia Public Schools (“DCPS”) and Prince Georges County Public Schools (“PGCPS”). Youth in foster care often attend many schools on their path to graduation and, partially as a result, have lower graduation rates. Monitoring credits earned and requirements met each year is essential to ensure on-time graduation.

This section provides information about the DC and Maryland regulations that govern graduation and promotion, as well as the local school policies in DC and PGCPS. It also provides practical worksheets outlining the academic requirements of each jurisdiction in order to keep track of credits as they are earned.

DC Regulations & Policies

DC requires students to complete twenty-four (24) Carnegie Units in order to graduate with a DCPS diploma, one of the highest credit requirements in the country. However, unlike Maryland, DC does not require that students pass any state-level academic exams or assessments. In order to be promoted to 10th grade students must successfully complete both Algebra and English 1. One hundred (100) hours of community service are also required for graduation.

Under DC regulations, although students can be retained in any grade, they can only be retained once while enrolled in DCPS without a comprehensive review and approval by the regional superintendent. Parents should be notified if their student is at risk for retention at least 90 calendar days before the end of the school year.

Students who have graduated or withdrawn from school after 1999 can request a copy of their DCPS high school diploma from their high school registrar. Students who graduated before 1999 or attended a high school that is now closed can submit a request through the DCPS records request portal at [https://dcps.mycusthelp.com/webapp/rs/\(S\(1ntny5ehaadlh2mmxbtogn2\)\)/supporthome.aspx](https://dcps.mycusthelp.com/webapp/rs/(S(1ntny5ehaadlh2mmxbtogn2))/supporthome.aspx).

Students who attended a Public Charter School should contact the DC Charter School Board at (202) 328-2660.

DCPS’s graduation, truancy, attendance, and promotion policies were updated in August 2018. The links to the updated regulations and policies are available below.

Maryland Regulations & PGCPS Policies

PGCPS requires that students complete twenty-one (21) credits in order to graduate, as well as earn passing scores on the Partnership for Assessment of Readiness for College and Careers (PARCC) and Maryland High School Assessments (HSAs). At least four (4) credits must be earned after the completion of Grade 11. A combined seventy-five (75) infused and independent service-learning hours are required for graduation. Hours are pro-rated for students who transfer in to PGCPS.

In PG County, retention in elementary school is ultimately determined by the school principal, and in middle school, by the associate superintendent. An appeals process is made available to parents who disagree with a retention decision and provide written notification of the intent to appeal. Promotion to middle and high school is based on acquisition of transition skills outlined in Administrative Procedure 5123.2. Middle school students who fail two core courses must complete summer school coursework successfully in order to be promoted.

Current students, or those who have graduated or last attended PGCPs within the last three years should contact their last school of attendance to order their student records; students may be able to obtain informal copies of records and informal transcripts free of charge. Students who have withdrawn at any time during the current school year should similarly contact the last school attended for copies of records. Everyone else needs to request official copies of student records/information online at: <https://pgcpsmd.scribborder.com/application>.

Special Education/English Language Learners

In DC, special education students are eligible for promotion as determined in accordance with the agreement of the Individualized Education Program (“IEP”) team. For English Language Learners, any decision on retention must be made in conjunction with the bilingual/English as a Second Language (“ESL”) teacher.

A special education student in the District who does not earn a diploma may earn a Certificate of IEP completion. The decision that a student will pursue a Certificate rather than a high school diploma must be made by the multi-disciplinary IEP team no earlier than the student’s 9th grade year.

In PG County, consideration of all promotion/retention/graduation options are determined by the IEP team with the agreement of the parent based upon the student’s IEP. A special education student who does not earn a diploma can earn a Maryland Certificate of Completion. If a Certificate is received before age 21 a student is still entitled to a free appropriate education (“FAPE”) under the Individuals with Disabilities Education Act (“IDEA”) (see 20 U.S.C. §§ 1400-1409).

English Language Learners should not be retained solely on the basis of their lack of proficiency in English. However, all ESL students must meet the same credit, service learning, and functional test requirements for graduation as non-ESL students unless they receive a waiver.

Legal & Policy Resources

- DC
 - [D.C. Mun. Regs. 5-A, §§ 2201-2299 \(DC Graduation Policies\)](#)
 - [D.C. Mun. Regs. 5-E §§ 21, 22, 2103, 2200, and 2204 \(Attendance, Truancy, Grades, Promotion, Reporting, and Graduation Policies\)](#)
 - [DCPS Pre-K to Graduation Policies \(August 2018\)](#)
- MD
 - [Md. Code Regs. 13A.03.02 \(Graduation Requirements for High Schools in Maryland\)](#)

➤ PGCPS

- [Administrative Procedure 6150 \(Educational Requirements and Options\)](#)
- [Administrative Procedure 6151 \(Student Service-Learning Graduation Requirements\)](#)
- [Administrative Procedure 5123.2 \(Promotion/Retention/Acceleration\)](#)

Graduation Requirements Worksheet

District of Columbia Public Schools

Subject	Required Credits	Earned Credits	Still Needs	In Progress	Best Case Needs
English	4				
Science	1				
Lab Science	2				
Biology	1				
Math (upper level)	1				
Algebra	1				
Algebra 2	1				
Geometry	1				
DC History	.5				
U.S. Government	.5				
U.S. History	1				
World History 1	1				
World History 2	1				
World Languages	2				
Music	.5				
Arts	.5				
Phys Ed. / Health	1.5				
Electives	1.5				
Career/College	2				
TOTAL	24				

Graduation Requirements Worksheet

Prince George's County

(Effective for entering freshmen in Fall 2014 – Fall 2016)

Subject	Required Credits	Earned Credits	Still Needs	In Progress	Best Case
English	4				
Lab Science	2				
Biology	1				
Math	1				
Algebra	1				
Algebra 2	1				
Geometry	1				
LSN Gov't	1				
US History	1				
World History	1				
Health	.5				
Fine Art	1				
Phys Ed.	.5				
Tech Ed.	1				
Completer Sequence	2-9*				
Electives	0-2*				
Total	21				

*2 language credits and 2 elective credits OR 2 advanced technology credits and 2 elective credits OR 4-9 credits of MSDE approved career and technology program.

Assessment Requirements

To earn a Maryland High School Diploma students must achieve a passing score in Algebra, Biology, English and Government courses.

School Year 2014-2015 - Grade 9

- PARCC English 9
- PARCC Algebra 1 HSA Biology
- HSA Government

School Year 2015-2016 - Grade 10

- PARCC Algebra 1 or PARCC Geometry or PARCC Algebra 2 PARCC English 10
- HSA Biology HSA Government

School Year 2016-2017 - Grade 11

- PARCC Algebra 1 or PARCC Geometry or PARCC Algebra 2 PARCC English 11*
- HSA Biology HSA Government

*College and Career Ready Determination

School Year 2017-2018 - Grade 12

- PARCC Algebra 1 or PARCC Geometry or PARCC Algebra 2 HSA Biology
- HSA Government
- 17-18 increases to 733 combined score for Algebra 1 and English 10 HSAs
- Transition courses if a student is not college and career ready

Must meet individual scores or combined score requirement of 794/1450			
Subject:	Date Passed:	Score: HSA/PARCC	Method:
Algebra 1		/412/725	
English 10		/396/725	
Biology		/400	
Government		/394	

Students who fail the assessments twice can satisfy the requirements via a Bridge Academic Validation Plan if they are on track to graduate and participate in intervention activities. Bridge plans are project modules that are completed on the topic. The number of modules correlates to the score achieved.

Accommodations:

HSA – Students with disabilities are entitled to all accommodations in the student’s IEP

PARCC – Allows more accommodations for all students, but does not permit as many accommodations as the HSA and are more stringent to obtain.

Graduation Requirement Worksheet

Prince George's County

Subject	Required Credits	Earned Credits	Still Needs	In Progress	Best Case Needs
English	4				
Lab Science	2				
Biology	1				
Math	1				
Algebra	1				
Geometry	1				
LSN Gov't	1				
US History	1				
World History 1	1				
Health	.5				
Fine Art	1				
Phys Ed	.5				
Completer Sequence	2-9 (2 language; 4				
Electives	0-3				
Tech Ed.	1				
Total	21				

High School Assessment (HSA) Requirements

Student entered 9 th grade in:			
Subject:	Date Passed:	Score:	Method:
Algebra/Data Analysis		/412	
English 10		/396	
Biology		/400	
Government		/394	

Students entering 9th grade after 2005:

- MUST pass Algebra/Data Analysis, English 10 and Biology; OR
- Obtain an overall combined score of 1208 or 1602; OR
- Complete Bridge Plan for Academic Validation; OR
- Score high enough on AP or IB exam in equivalent subject tests

Students entering 9th grade from 2009-2012:

- Do NOT need to pass Government HSA but can use it to achieve combined score
 - o Can achieve 1602 for English, Algebra, Biology and Gov't; OR
 - o Can achieve 1208 for English, Algebra and Biology

Students entering 9th grade after 2013:

- MUST either pass the government HSA; OR
- Include the gov't HSA score to meet combined 1602

Requirements for Participation in the Bridge Plan

- Have passed or be enrolled in the HAS-related course; AND
- Taken the specific HSA twice without passing or earning a score that would satisfy the combined-score option; AND
- Be firmly on path to completing graduation requirements; AND
- Have participated in approved assistance or remediation program; AND
- Have met the school's attendance requirements

Graduation Requirements

Tips on Fulfilling your Requirements:

- *Be informed and responsible when selecting your courses. Make sure you take the required classes as early as possible and check your Individual Graduation Portfolio (IGP) to ensure you are on track to reach graduation. For more information, ask your counselor or check DCPS: DCPS.bridges.com*
- *Start working on your community service hours right away! Talk to your counselor about finding a site as soon as possible; do not put these hours off until your senior year.*
- *Talk to your counselor, teachers and other adult resources. They are there to help and can address your questions and concerns about staying on track for graduation.*
- *Check your Letter of Understanding (LOU) each year to track your progress toward graduation.*

Subject Area	Credit requirement
English I-IV	4
Math (including Algebra I, Geometry, Algebra II and Upper Level Math)	4
Science (including Biology, two lab sciences and one additional science)	4
Social Studies (including World History I & II, DC History, US Gov. and US History)	4
World Language (Two courses in the same language)	2
Art	0.5
Music	0.5
Health and Physical Education	1.5
Electives	3.5
Total Required	24
Minimum Community Service Hours	100

At least 2.0 credits of the 24.0 required credits must be CLCP (College Level Career Prep, such as AP, IB, CTE and college -level courses).

**Keep in mind that this is the bare minimum. Some school programs, colleges and employers may have additional requirements. **



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

REQUIREMENTS FOR NINTH GRADE ENTRY IN SY 2009-2010 OR LATER

	Banneker IB II	Banneker CP II	Columbia Heights	DCPS II 24 Credits	Eastern IB	Ellington	McKinley II	McKinley Distinguished	Phelps ACE	Schools without Walls	Stay II 24 credits	National External Diploma Program
Subject Area												
English	4	4	5	4	4	4	4	4	4	4	4	0
Algebra	2	2	2	2	2	2	2	2	2	2	2	0
Geometry	1	1	1	1	1	1	1	1	1	1	1	0
Upper Level Math	1	1	2	1	2	1	1	1	1	1	1	0
Lab Science*	3	2	2	2	0	2	2	2	2	2	2	0
Biology	1	1	1	1	3	1	1	1	1	1	1	0
Science	0	1	1	1	1	1	1	1	1	1	1	0
World History	3	2	2	2	3	2	2	2	2	2	2	0
U.S. History	1	1	1	1	1	1	1	1	1	1	1	0
D.C. History	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0
U.S. Government	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0
World Language	4	3	2	2	4	2	3	3	2	2	2	0
Music	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0
Art	1	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0
Fine Arts	0	0	0	0	2	0	0	0	0	0	0	0
Health & Physical Education	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	0	0
Career & Technical Education	0	1	0	0	0	0	4	4	6	0	0	0
Community Lab	1.5	1.5	0	0	0	0	0	0	0	0	0	0
Theory of Knowledge	1.5	0	0	0	1.5	0	0	0	0	0	0	0
Capstone	0	0	1	0	0	0	0	Y**	0	0	0	0
Internship	0	0	0.5	0	0	0	0	Y**	0	0.5	0	0
Latin	0	1	0	0	0	0	0	0	0	0	0	0
Senior Project	0	0	0	0	0	0	0	0	0	1	0	0
Other	1.5	1	4	3.5	0	3.5	1.5	1.5	0	3.5	5	5
Total Credits Required	28.5	26	28	24	28	24	27	28	26.5	25.5	24	5
<i>College Level/Career Preparatory</i>	2	2	2	2	2	2	2	2	0	2	2	0

*Students who began High School in 2007-08 or 2008-09 require any three lab sciences.

** Students at McKinley Tech must complete Internships and/or capstone projects within their CTE major requirements.

All Ellington students must additionally meet the requirements of their Arts major, not identified in this chart.

Graduation, Promotion, and Records Requests

Resources and Links

◆ DCPS High School Academic Standards

- <https://dcps.dc.gov/node/1350446>
- This website offers DCPS's published details regarding high school academic standards, grading policies, requirements for selective high school admissions, and links to DCPS graduation requirements and other relevant documentation. These policies were updated in August 2018 and effective for the 2018-2019 school year.

◆ DCPS Inactive Student Records Center

- [https://dcps.mycusthelp.com/webapp/_rs/\(S\(po10zbofupwdpt3y5heewlfu\)\)/supporthome.aspx](https://dcps.mycusthelp.com/webapp/_rs/(S(po10zbofupwdpt3y5heewlfu))/supporthome.aspx)
- This is DCPS's portal for students to access records from a DCPS school that has been closed. This website also offers links to Frequently Asked Questions regarding DCPS records requests.

◆ DCPS Community Service Website

- <https://dcps.dc.gov/page/community-service>
- This website offers details regarding DCPS's community service graduation requirements, including links to DCPS's approved Community Service Hours Verification Form and published guides to community service.

◆ PGCPS Records Request Portal

- <http://www1.pgcps.org/Student-Records-and-Transfers/cards/How-to-Request-a-Student-Record/>
- This website links to the PGCPS Student Records Department. Please select "Request Student Records Online," and you will be redirected to the website through which requests for formal student records should be made.

◆ PGCPS Administrative Procedure 5123.2, General Procedures Pertaining to Promotion, Retention, and Acceleration of Students

- <https://www1.pgcps.org/WorkArea/DownloadAsset.aspx?id=161557>
- This administrative procedure pertains to promotion and retention of students within Prince George's County School System. Promotion and retention shall be based upon the degree of success the individual student has achieved in completing the educational program designated to meet his/her needs.

◆ PGCPS Administrative Procedure 5121.3, Grading and Reporting for High Schools, Grade 9-12

- <https://www1.pgcps.org/WorkArea/DownloadAsset.aspx?id=161555>
- This administrative procedure provides guidance to administrators regarding the grading and reporting systems used in all high school and centers within PGCPS.

◆ PGCPS Administrative Procedure 5129, Student Transcript Request

- <https://www1.pgcps.org/WorkArea/DownloadAsset.aspx?id=161571>
- This administrative procedure provides procedures for completion, collection, and dissemination of student transcript requests submitted by students and parents/guardians.

Overview

Special Education and Section 504 of the Rehabilitation Act

In this Section of the Education Toolkit, you will find helpful information and resources concerning both Special Education under the IDEA and Section 504 of the Rehabilitation Act. One of these laws may prove the appropriate route to secure an appropriate education for children with disabilities, depending on the needs of the particular child.

→ **Special Education**, which is governed by the federal Individuals with Disabilities Education Improvement Act (“IDEIA” or “IDEA”) and its implementing federal and state regulations, provides that children with certain enumerated disability classifications receive a free appropriate public education (FAPE) that includes specialized education and related services.

→ **Section 504** is broader and protects all persons with a disability who:

- Have a physical or mental impairment which substantially limits one or more major life activities (including learning);
- Have a record of such an impairment; or
- Are regarded as having such an impairment.

This section of the Practice Kit includes a series of Children’s Law Center Tip Sheets pertaining to special education, as well as an information sheet that compares Section 504 to the IDEA. The Practice Kit includes information on relevant local policies and guides DCPS and OSSE have developed to guide DC schools in their implementation of the IDEA’s requirements, as well as certain special education and Section 504 resources pertinent to Prince George’s County Public Schools. In this section of the Practice Kit, we have included some key forms and documents that are not readily available online. However, since many policies and documents *are* available online, we have included website links and descriptions of the resources in the “Resource Links” document housed within this section of the Practice Kit; for ease of use, the individual resources included in this document are listed in alphabetical order based on topic.

For relevant legal resources on these topics, please see:

Federal Law:

- IDEIA
 - [20 U.S.C. §§ 1400-1487](#) (statute)
 - [34 C.F.R. § 300](#) (regulations)
- Section 504
 - [42 U.S.C. §§ 12101-12213](#) (ADA, as amended by the ADA Amendments Act of 2008)
 - [34 C.F.R. § 104](#) (regulations)

Local/State Law & Regulations (of special education):

- DC
 - o [D.C. Mun. Regs. 5-E, § 3000](#) (special education regulations)
 - o [D.C. Code § 38-2561.02](#) (assessment and placement of special education students)
- Maryland
 - o [Md. Code Regs. 13A.05.01](#) (special education regulations)

CLC Tip Sheet:

Special Education Process in DC Public Schools

Step 1: Child Find – Identifying if a Child has a Disability (D.C. Mun. Regs. tit. 5-E, § 3002)

IF YOU HAVE CHILD CLIENT WHO IS:

- Delayed in reaching developmental milestones
- Getting poor grades on his/her report card
- Acting out in class and getting suspended
- If the child is 0-2, referral to OSSE Strong Start.
- If the child is 3-5, referral to Early Stages
- If the child is 5-22, referral for special education or to the Student Support Team (SST) for less intensive support

CONSIDER THE FOLLOWING INTERVENTIONS:

DC Early Intervention Program for Infants and Toddlers

- The Early Intervention Program for Infants and Toddlers is an entitlement program under Part C of the IDEA for children birth through 3 years who are experiencing developmental delays or who have a mental or physical condition placing them at risk of a developmental delay. *See* 20 U.S.C. §§ 1431-44. In DC, the Strong Start Early Intervention program is operated by the DC Office of the State Superintendent of Education's (OSSE), Division of Early Learning (DEL).
- Early Intervention Services: Services for eligible children are set forth in an Individualized Family Service Plan (IFSP) developed by the family in collaboration with the evaluator and early intervention specialists.
- What are Early Intervention Services (EIS)?
 - Specialized health, educational, and therapeutic services that are specifically designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family related to enhancing the child's development in the area(s) of:
 - Physical Development (reaching, rolling, walking)
 - Cognitive Development (thinking, learning, solving problems)
 - Communication Development (talking, listening, understanding)
 - Social Emotional Development (playing, feeling secure and happy); or
 - Adaptive Development (eating, dressing, etc.)
- In DC, to make a referral to early intervention services, contact 202-727-3665 or visit OSSE's Strong Start website at: <https://osse.dc.gov/service/strong-start-dc-early-intervention-program-dc-eip>.

Early Stages

- What is Early Stages? Early Stages is the entity responsible for helping children with special needs who are between the ages of 2 years 8 months to 5 years 10 months in order to transition into the DC Public Schools and receive the early intervention services they need.
- When should you make a referral? If you have a child between the ages of 2 years 8 months to 5 years 10 months who has developmental delays or other disabilities that require early intervention services (defined below).
- What do they do? Early Stages will:
 - Screen the child for any disabilities and perform full evaluations if needed.
 - Meet with the parent or caretaker to discuss the screening findings and develop an IEP (Individualized Education Program) which details the services that the child needs to receive to address the disability.
 - Determine which DCPS placements can serve the child's IEP.
 - Inform the parent or caretaker which DCPS school placement or program is available to their child.
- How can you get the process started? Anyone who has a relationship with the child can call Early Stages at (202) 698-8037 to make a referral. You can also complete and submit an online referral form which is accessible at: www.earlystagesdc.org.
 - The Early Stages Center at Walker Jones Education Campus is located at 1125 New Jersey Avenue NW.
 - The Early Stages Center at Minnesota Avenue is located at 4058 Minnesota Avenue NE.
- How long does the process take?
 - Once you have the initial appointment, you can complete the entire process all in one day, unless more evaluation data is needed and additional testing is requested.
 - Previously, DCPS has a total of 120 days from the date of the initial appointment to complete the evaluations and identify a proper school placement or program for the child. However, pursuant to the Enhanced Special Education Services Act of 2014, **children who are referred for a special education evaluation on or after July 1, 2018 must be evaluated within 60 days from parental consent or 90 days from referral.**

Student Support Team (SST) Process

- What is an SST? The Student Support Team (SST) provides assistance to students who are struggling academically and/or behaviorally in the general education setting.
- Who can make a referral? The student, his or her parent, his or her teacher, or anyone who has a relationship to the student (i.e., GALs, social workers, etc.) can refer the child to the SST by submitting a referral letter to the school principal or SST Coordinator.
 - **The GAL can request an SST meeting and participate in the SST process.**

- When should you use it? If you're not really sure if a student needs special education services, the SST can provide interventions short of formally providing special education services through an IEP.
- What happens when a referral is made? The school will convene a meeting with all the school staff who interact with the student (teachers, guidance counselors, administrators, etc.) and others with a relationship to the student (parent, GAL, social worker) to discuss the student's needs and identify some classroom and school interventions and supports (otherwise known as "Academic Behavioral/Instructional Strategies") to help the student over the next 6 weeks.
- Interventions can include such things as:
 - Behavior contracts or daily behavior charts
 - Preferential seating in the classroom
 - Counseling services
 - Tutoring or ESL instruction
 - School-based mental health services
- What happens after 6 weeks of putting the SST into effect? The SST Team meets again to determine if the interventions were sufficient to help the student improve his/her performance.
 - If the SST Plan works, the interventions are continued.
 - If the SST Plan doesn't work, then the child can then be referred for a special education evaluation.

OR, if you know the child has a disability and needs special education services immediately....

Step 1: Direct Referral for Special Education Evaluations

- Skip the SST: The parent, the teacher, or other school personnel can request special education evaluations and services without having a SST meeting.
 - **THE GAL CAN:**
 - **Make the initial request for evaluations (NOTE: it is always best to do so in writing – a simple letter will suffice). The letter should be sent to the school's special education coordinator or principal.**
 - **Provide the school with any outside evaluations that have been conducted on the child that may document a disability (i.e., an assessment conducted by the Court's Assessment Center) if one is available and if it is in the child's best interests to share it.**

Step 2: Initial Evaluation (D.C. Mun. Regs. tit. 5-E, § 3005)

- **Evaluation Meeting:** Once a referral for special education is made, the school will convene an MDT (Multi-Disciplinary Team) meeting to determine which evaluations should be completed.

- In the DC regulations (D.C. Mun. Regs. tit. 5-E, § 3003.1), this team is called the Individualized Education Program (IEP) team and it is required to include:
 - The parent(s) of the child;
 - At least one regular education teacher of the child;
 - At least one special education teacher of the child;
 - A representative of the school system or LEA (local education agency);
 - A person(s) who can interpret the instructional implications of the evaluation results;
 - Other individuals who have knowledge or special expertise regarding the child (GAL, social workers, etc.); and
 - The child, if appropriate.

- Student Evaluation Plan: At this meeting the school should develop a Student Evaluation Plan (SEP) which identifies each evaluation that will be performed, who will be conducting the evaluation, and when it will be administered.
 - In the DC Public Schools (DCPS), no matter what the student’s suspected disability is, an initial evaluation is usually comprised of:
 - a psycho-educational evaluation (tests IQ and academic skills);
 - a speech and language evaluation; and
 - a social history.
 - The law requires that a child be assessed in all areas of suspected disability (D.C. Mun. Regs. tit. 5-E, § 3005.9 (g)).
 - Before evaluations can begin, the school will request that the parent, or the person acting in the role of the parent, sign a “Consent for Evaluation” form.

- **THEREFORE, GALS CAN:**
 - **Request that additional evaluations be performed if necessary to identify all of the student’s needs.**

- **EXAMPLES OF ADDITIONAL TESTING GALS CAN REQUEST:**
 - **If a student is primarily having behavioral/emotional problems, ask for a clinical psychological evaluation.**
 - **If a student is having motor or coordination problems (i.e. has trouble with handwriting, cutting, maintaining balance, etc.) ask for an occupational evaluation.**
 - **If the student is over 14, you may also want to request a vocational assessment.**

- Timeline for conducting evaluations: Previously, the school had 120 days from when the child was referred for special education to complete all of the evaluations, hold an eligibility meeting and identify an appropriate educational placement if special education is needed. However, pursuant to the Enhanced Special Education Services Act of 2014, **children who are referred for a special education evaluation on or after July 1, 2018 must be evaluated within 60 days from parental consent or 90 days from referral.** (NOTE: In Maryland, the school has only 60 days.)

- **ALTERNATIVELY: GALS MAY REQUEST (BY MOTION) AN EVALUATION BY THE COURT'S ASSESSMENT CENTER**
 - **Assessment Center evaluations will be paid for if court ordered.**
 - **Assessment Center evaluations may be done more quickly than DCPS evaluations.**

Step 3: Eligibility Determination (D.C. Mun. Regs. tit. 5-E, § 3006)

- **Eligibility Meeting:** When the child's evaluations are complete, the school should convene another MDT meeting to review and discuss the results of the tests and determine if the child has a disability which qualifies him or her for special education. Note that by law, the disability must impact the child's school performance in order to qualify him or her for special education.
 - **GALS MAY ALSO:**
 - **Provide the school with copies of court-ordered evaluations for consideration at the eligibility determination meeting, if the parent (or other court appointed decision-maker) has consented to the evaluation being released to the school.**
- **Disability Classifications:** Under DC law, there are 14 recognized disability classifications (found under D.C. Mun. Regs. tit. 5-E, § 3001.1 – definition of "Child with a disability"):
 1. Autism
 2. Deaf-blindness
 3. Deafness
 4. Developmental delay
 5. Emotional disturbance
 6. Hearing impairment
 7. Intellectual disability
 8. Multiple disabilities
 9. Orthopedic impairment
 10. Visual impairment, including blindness
 11. Traumatic brain injury
 12. Other health impairment (including asthma, diabetes, epilepsy, & ADHD)
 13. Learning disability
 14. Speech and language impairment
 - The legal criteria and definition of each of these disability classifications can be found in the "Definitions" section at D.C. Mun. Regs. tit. 5-E, § 3001.1. However, all DC schools are also advised to adhere to OSSE's eligibility determination requirements and criteria for each disability classification as found in their Part B Initial Evaluation/Reevaluation Policy, pp. 19-34.

➤ **THE GAL CAN:**

- Request copies of the evaluations ahead of time in order to prepare for the meeting.
- Ask questions about the evaluation results and their meaning.
- Ask to correct any factual inaccuracies in the evaluations or reports
- Suggest that a certain disability/ies be considered or disregarded by the team
- Document any disagreement with the eligibility determination decision and ask that those notes be included in the child's file.

• Post-Eligibility determination:

- If the child is found eligible, the school will either:
 1. immediately proceed to write up an initial Individualized Education Program (IEP) for the child; OR
 2. agree to convene another IEP meeting for that purpose within 30 days.
- If the child is found ineligible for special education:
 1. the process is completed; or
 2. the parent can request a hearing to challenge the decision.

Step 4: IEP Development (D.C. Mun. Regs. tit. 5-E, § 3007)

- Timeline for developing the IEP: under DC law, the MDT must meet and develop an IEP for a child with a disability within 30 days of the eligibility determination. (D.C. Mun. Regs. tit. 5-E, § 3007.1).
- The IEP includes:
 - What kind of classroom the child needs (i.e., combination, out of general education)
 - How many hours of special education instruction the student will receive
 - Any "related services" that must be provided (i.e., transportation and developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education)
 - some examples:
 - transportation
 - speech and language pathology and audiology services
 - interpreting services
 - psychological, counseling, or social work services
 - physical therapy and occupational therapy
 - parent counseling and training
 - school health/nurse services
 - The goals and objectives the student will work towards in the classroom and in their therapy sessions
 - A decision as to whether a child in high school will work toward a high school diploma or a certificate of IEP program completion

- Other addenda as appropriate
 - If the student is over the age of 14, a Transition Services Plan (i.e., vocational training, continuing adult education, independent living, etc.) should also be included in the IEP.
 - If the student has behavior/emotional issues, a Behavior Intervention Plan (BIP) should be included based on a Functional Behavioral Assessment (FBA).
 - If the student is placed at a school other than the neighborhood school or has special needs that require transportation services, a Transportation Plan should be included.
 - If the student has been in special education and it is recognized that the student will regress if educational services are not continued over the summer months, an Extended School Year (ESY) Plan should be included.
- If the parent does not agree with the contents of the IEP, the parent can request a hearing.

Step 5: Placement (D.C. Mun. Regs. tit. 5-E, § 3013)

- Placement Meeting: After the IEP is developed, the IEP team should discuss what placement options are available that can implement the student’s IEP
 - *NOTE: sometimes schools will try to write the IEP to fit a certain placement or say that something cannot be put in the IEP because the school cannot provide it – this is not permitted under federal law.*
- Participants:
 - According to the law, DCPS must ensure that “the educational placement for a child is made by a group of persons, including the parent, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options.” D.C. Mun. Regs. tit. 5-E, § 3013.1(a). This means that the parent should be informed of all placement options and have an opportunity to ask questions and visit the programs before making a final collective placement decision.
- Other Requirements:
 - Least Restrictive Environment (LRE)
 - According to the law, the child should be educated with his/her non-disabled peers to the maximum extent possible and only removed from the regular education environment if the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. D.C. Mun. Regs. tit. 5-E, § 3011.
 - The local educational agency or LEA (e.g., DCPS) shall place a child in need of special education who requires a non-public day school in a program within the District if a suitable program is available and only place them outside of the District if there is no appropriate program within the District. D.C. Mun. Regs. tit. 5-E, § 3013.6.

- Proximity to home – the student should also be placed in the setting as close as possible to the student’s home and in the school that the child would attend if not disabled, unless the IEP of a child requires some other arrangement. D.C. Mun. Regs. tit. 5-E, §§ 3013.1(f), 3013.2.
- **THE GAL CAN:**
 - **Ask questions about the proposed placement or program and ask to visit.**
 - **Suggest that certain placements (including non-public schools) or programs be considered.**
 - **Document disagreement with the proposed placement at the meeting.**
- If the parent or educational decision-maker disagrees with the proposed placement, the parent or educational decision-maker can request a hearing.

Step 6: IEP Review (D.C. Mun. Regs. tit. 5-E, § 3008)

- Annual Review: Under DC law, DCPS is required to have an IEP Review meeting at least once a year to review and revise the IEP, review the student’s goals, discuss what progress the student has made, and make any necessary changes or modifications to the IEP.
- **A GAL MAY:**
 - **Request an IEP Review meeting at any time in order to review data from a new assessment, address the child’s anticipated needs, or discuss any changes in the child’s behavior or performance. However, the school does not have to honor this request if the parent or educational decision-maker disagrees.**

Step 7: Re-evaluation (D.C. Mun. Regs. tit. 5-E, § 3005.7)

- The school must re-evaluate the student every 3 years or more frequently if conditions warrant re-evaluation (i.e., the child’s performance declines for an unknown reason, the child has frequent disciplinary problems, etc).
- The school must evaluate the student before taking a child out of special education and/or determining that a child is longer a child with a disability.
- **A GAL CAN:**
 - **Request that new evaluations be performed at any time if the child’s situation or school performance changes significantly or if a new disability is suspected. However, the school does not have to honor this request if the parent or educational decision-maker disagrees.**

CLC Information Sheet: Section 504 v. IDEA

Overview

Most children with disabilities receive special education and related services through the public schools under the Individuals with Disabilities Education Act (IDEA) (*see* 20 U.S.C. §§ 1400-1482), the federal law that governs special education. However, the IDEA is not the only law that gives students with disabilities an entitlement to accommodations and supports in the school setting. Section 504 of the Rehabilitation Act of 1973 (*see* 29 U.S.C. § 794) also entitles students who have disabilities to receive reasonable accommodations in their general education classroom (and less commonly specialized instruction) as needed in order to be able to access their education and participate in an equal manner as their nondisabled peers.

Children covered under the more expansive Section 504 often have less severe disabilities than those covered under the narrower IDEA or have disabilities that do not fit neatly in the enumerated IDEA disability classifications. Eligibility for school-based accommodations under the broader Section 504 is something that can be considered for children who are denied eligibility for services under the IDEA. For these reasons, it is critical for advocates to have a working knowledge of both of these statutes, and their differences, in order to counsel their clients effectively about the full array of services available to children with disabilities. This information sheet highlights some of the primary differences between these two fundamental disability laws.

Please visit the following link for further information about 504 plans under Title II of the Rehabilitation act; including law, DCPS forms, and a sample 504 plan:

<https://www.childrenslawcenter.org/sites/default/files/attachments/resources/Tab%2015.pdf>.

Comparison Chart

	IDEA	Section 504
PURPOSE	To ensure that all children with certain disabilities which adversely impact their education receive a “free appropriate public education” (FAPE).	To prohibit discrimination on the basis of disability in any program (including public schools) that receives federal funds.
WHO IS ELIGIBLE AND PROTECTED UNDER THE ACT	Any “child with a disability” in 13 enumerated categories of disability (including, among others, specific learning disabilities, emotional disturbance, and speech and language impairment) may qualify for services.	Eligibility is much broader. A student is eligible so long as he/she meets the definition of a qualified handicapped person (i.e., has a physical or mental impairment that substantially limits a major life activity - which includes learning).

	IDEA	Section 504
SPECIAL EDUCATION v. GENERAL EDUCATION	A student is only eligible to receive IDEA services if the multi-disciplinary team determines that the student meets all the criteria of one of the qualifying disabilities and needs special education in order to be able to access the general education curriculum.	A student is eligible so long as he/she meets the definition of a qualified handicapped person. The student is not required to need special education in order to be protected. In fact, the student is most often educated in the regular education setting with accommodations.
CHILD FIND	Required under the Act.	Required under the Act.
NOTICE REQUIREMENTS	Requires notification of parental rights. Requires notice to the parent/guardian with respect to identification, evaluation, and educational placement, and specifically, written notice prior to any change in educational placement.	Each school district must include a notice of nondiscrimination in its employee, parent and student handbook, and must designate a Section 504 coordinator.
CONSENT FOR SERVICES	Requires parental consent for initial evaluation and placement.	No parental consent required for the initial provision of services.
EVALUATIONS	Requires consent before initial evaluation is conducted. Reevaluations must be conducted at least every three years. Provides for independent evaluations at public expense whenever a parent disagrees and puts the school on notice.	No consent requirement, only notice. Requires periodic evaluations, but offers no specific timeframe. Independent evaluations not offered.
ELIGIBILITY DETERMINATIONS	Made by the Individualized Education Program (IEP) Team and the parent is a required member of that team.	Requires notice to the parent/guardian with respect to identification, evaluation, and placement. Decisions made by a group of persons knowledgeable about the child, the evaluation data, and placement options.

	IDEA	Section 504
PROGRAM/PLAN DEVELOPMENT	Requires the school to “invite” the parent and encourage them to come.	Parental participation in 504 meetings is not required, but it is arguably still in the child’s best interest to have them participate if possible.
DUE PROCESS	<p>Requires school districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of students with disabilities.</p> <p>Hearings conducted by a hearing officer selected by DC’s Office of the State Superintendent of Education (OSSE) who is an attorney, trained in IDEA law and practice.</p> <p>Decisions may be appealed to the local state trial court or federal court.</p>	<p>Requires school districts to provide impartial hearings for parents or guardians who disagree with the identification, evaluation or placement of students with disabilities.</p> <p>Hearings are conducted by an impartial person not connected with the school district who may or may not be an attorney.</p> <p>Decisions may be appealed to the local state trial court or federal court.</p>
ENFORCEMENT	<p>Compliance is monitored by OSSE, which can also receive and resolve complaints regarding IDEA.</p> <p>Allows for a private right of action, but no monetary relief.</p>	<p>Enforced by the Office of Civil Rights by complaint investigation and monitoring activities.</p> <p>Does not allow for any private right of action.</p>

CLC Tip Sheet

Preparing for an IEP Meeting

Eligibility Meeting

- ◆ Share information with the school in advance. Provide the special education coordinator with copies of any redacted relevant evaluations.
- ◆ The school is required to provide you with copies of any documents (i.e., evaluations, draft IEP's) discussed at the meeting five days prior. If you do not receive the documents, make a written request.
- ◆ Review all of the child's evaluations. Call the evaluators to ask questions about anything you do not understand.
- ◆ Ask that the evaluators attend the meeting. If they cannot attend in person, ask that they attend by phone.
- ◆ Collect any other relevant information including conducting observations, talking to the student's teachers and to the student about the student's performance and needs.
- ◆ Prepare in advance to advocate for your position. If you believe the child is eligible for special education services, consult the handout of disability definitions to understand the criteria for each disability.

Review Meeting

- ◆ Begin by collecting information:
 - Speak with the child, teachers, and any related service providers.
 - Review any report cards or evaluations.
 - Observe the child in the classroom.
 - Review the draft IEP that the school should provide five days before the meeting.
- ◆ Consider your goals ahead of the meeting. Are specific changes to the IEP necessary to provide the child with additional services or a different level of service? Or is it your goal to ensure the child is continuing to progress toward his/her goals?
 - Are the child's IEP goals specific, measurable, achievable, rigorous, and is there a time frame set for goal achievement?
 - Is the child's transition plan appropriate?
 - Is the child's behavior plan appropriate?
 - Does the child need ESY?
- ◆ If specific changes are necessary what evidence can you show to prove changes are necessary? Prepare to point to specific data, such as a recent evaluation or decline in grades.
- ◆ Invite the child to participate in the meeting, if appropriate. Explain what he/she may expect.

CLC Tip Sheet

Questions to Ask at IEP Meetings

IEP meetings are a key opportunity for you to gain information about the child's needs and progress in school and the measures the school is taking to support the child. Asking questions of the participants will help you gain this information.

Eligibility Meetings

- ◆ Ask for the reasons behind the team members' recommendations. If they believe the child does not have a disability eligible for special education, ask why that is. What evidence and experience are they basing their recommendation on?
- ◆ Was the child evaluated in all areas of suspected disability? Has the team considered all of the types of disabilities that the child might have?

Review Meetings

- ◆ What services is the child currently receiving? Specialized instruction? Related services?
 - Ask that the professionals who provide these services attend the IEP meeting.
- ◆ What are the child's current performance levels?
 - Ask for current results from recent assessments, formal or informal.
 - Compare current performance levels to those on the prior IEP. Is the child progressing?
- ◆ Has the child met the goals on the previous IEP? Does the school have any data? If the child did not meet the goals, why not? What needs to be changed?
- ◆ What goals should the child achieve in the coming year? How will progress be assessed?
 - Are the goals specific, measurable, achievable, rigorous, and time-bound?
- ◆ What services are necessary to allow the child to meet those goals?
- ◆ What does the child need to accomplish in order to transition to adulthood? What goals related to transition need to be put in the IEP?
- ◆ How is the behavior intervention plan, if any, working? Does it need to be adjusted? Does the school have any documentation?
- ◆ Does the child need any accommodations/modifications (e.g., extended time, preferential seating) or supplementary aids (e.g., calculator, word processing device)?
- ◆ Does the child require transportation?
- ◆ Should the child receive Extended School Year (ESY) services?
- ◆ Is the current placement still appropriate for the child?

Special Education Reforms for 2018-19 School Year

Enhanced Special Education Services Act of 2014

In 2014, the DC Council passed a law to get special education services to children earlier, faster, and more effectively. However, funding for, and thus implementation of, three critical changes took longer than projected. The Mayor and the DC Council included that funding for the key remaining reforms in the DC Fiscal Year 2019 Budget. As a result, the following pieces of the *Enhanced Special Education Services Act of 2014* went into effect on July 1, 2018, in time for the 2018-2019 school year.

Specifically, the reforms effective July 1, 2018 are:

Faster Evaluation Deadline

Schools must finish the initial evaluations of children who may have disabilities more quickly. Children who are referred for a special education evaluation on or after July 1, 2018 must be evaluated within 60 days from parental consent or 90 days from referral. This reduces the timeframe from the current standard of 120 days from referral. Referrals may be made orally or in writing.

Earlier Post-Secondary Transition Planning

Schools must prepare students for adulthood at a younger age for a more successful post-secondary transition. This includes:

- Transition planning at age 14: assessment and services must begin with the first Individualized Education Program in effect when a student turns 14 (rather than age 16).
- Planning for Adult Services in Advance: At least a year before a student is anticipated to leave high school, the IEP team must identify which adult services may be appropriate for the student and what evaluations are needed to determine the student's eligibility for those services.

Broader Early Intervention Program

More young children are eligible for family-centered services from OSSE's Strong Start/DC Early Intervention Program. Infants and toddlers up to age three are eligible for early intervention services if they have a 25% delay in just one developmental area. This expands eligibility from the previous standard, which required infants and toddlers to display a 50% delay in any one area or a 25% delay in two or more areas.

DC Special Education Legislation Effective Dates – updated July 2018

Provision	Effective Date
Notice of Change of Location: Written notice must be given to parents before a change of location (address of child’s school) in writing.	March 10, 2015 DC CODE § 38-2571.03
Getting Documents to Parents: Copies of written documents (progress data, draft IEPs) must be provided 5 business days prior to an IEP meeting and final drafts within 5 days after.	March 10, 2015 DC CODE § 38-2571.03
Observation: Parents—or specific types of designees—are entitled to observe their child in his or her current or proposed special education classroom.	March 10, 2015 DC CODE § 38-2571.03
Transfer of Rights: Students over 18 are able to permit others to make educational decisions or use Supported Decision Making.	March 10, 2015 (regulations published 7/2016) DC CODE § 38-2571.04
Resources for Parents: Written notices must include resources for parents to resolve problems with a child’s education.	March 10, 2015 DC CODE § 38-2571.03
Hiring and Review of Hearing Officers: A community review panel will review hearing officer candidates for special education due process hearings.	March 10, 2015 (Panel developed 11/2016) DC CODE § 38-2572.02-3
Sanctions Against Attorneys: Attorneys can be restricted from special education due process hearings if they are found to engage in a pattern of frivolous pleadings.	March 10, 2015 DC CODE § 38-2572.04
Lottery Preference: Charter schools can establish a preference for students with an IEP or particular disability through the lottery system.	March 10, 2015 DC CODE § 38-1802.06
Ombudsman: The Ombudsman for Public Education has the authority to observe instruction in the school and identify school-level concerns.	March 10, 2015 DC CODE § 38-354
Transition Planning: One year before completion of school, the IEP team must identify any evaluations needed for adult services decisions. Schools will be required to provide transition plans and services to students with IEPs starting at age 14 rather than 16.	March 10, 2015 – identify evaluations needed July 1, 2018 – transition plan at 14 DC CODE § 38-2614
Burden of Proof in Due Process Hearings Shift: Except for reimbursement cases, burden of persuasion falls on the school district if the dispute is about educational placement and if the parent establishes a prima facie case.	For proceedings initiated after July 1, 2016 DC CODE § 38-2571.03
Expert Fees: Parents who prevail at a hearing can recover reasonable expert fees up to \$6,000.	For proceedings initiated after July 1, 2016 DC CODE § 38-2571.03
Evaluation: Children who have been referred for a special education evaluation must be evaluated within 60 days from parental consent or 90 days from referral.	July 1, 2018 DC CODE § 38-2561.02
Early Intervention: Children up to age three are eligible for early intervention services if they have a 25% delay in just one developmental area.	July 1, 2018 DC CODE § 38-2614
Elimination of Dependent Local Education Agencies: Every current charter school must become its own LEA for the purpose of Part B of the IDEA. Exception may be made for a school with more than 90% of the school’s students entitled to receive services pursuant to an Individualized Education Program (St. Coletta PCS).	August 1, 2017 DC CODE § 38-1802.10



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of Teaching and Learning

SY 2018 - 2019

Parent Guide to Independent Services

Version 01

Approved By: Kerri Larkin, Deputy Chief, Specialized Instruction

Deputy Chief's Signature

8/1/18

Date

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Independent Educational Evaluations

Introduction

Who is this guide designed to support?

- Parents, adult students and guardians of children who have been approved for a funded independent educational evaluation (IEE).
- Providers who conduct the evaluations.

What information is included in this guide?

- For the parent: Step-by-step guidelines for obtaining an IEE, which includes outlining your responsibilities, understanding the recommended evaluation(s) for your child, and selecting a provider.
- For the provider: Step-by-step guidelines for vendors, which includes requirements for all IEEs, submission procedures, and process to receive payment.

What are the steps to getting a funded independent educational evaluation?

- Receive DCPS approval for a funded IEE.
- Review the costs that are covered.
- Confirm the type of evaluation recommended for your child.
- Locate a provider convenient to you and your child; this provider does not have to be one from the list provided.
- Attend the evaluation. Give the provider the enclosed invoicing information (For the Provider and Billing Guidance for Vendors).
- Send completed IEE to appropriate DCPS point of contact. Note: a DCPS employee will periodically follow-up with parent regarding the status of the independent educational evaluation until DCPS is in receipt of the evaluation.

For the Parent

Step 1 – Receive approval for a funded independent educational evaluation

- If you are receiving this guide, you have also received an authorization letter from DCPS to obtain an independent educational evaluation (IEE) for your child at the expense of DCPS. Keep this authorization letter for your records and future reference.
- To obtain the evaluation specified in your authorization letter, complete the steps in this guide to ensure that all important evaluation submission and billing information for the provider is delivered to them and the invoice is processed by DCPS or the Office of the State Superintendent of Education (OSSE).
- If you have any questions during this process, please contact the DCPS LEA representative associated with your student (e.g. the Special Education Coordinator, Non-Public Monitoring Specialist, Compliance Case Manager, or School Support Liaison).

Step 2 – Review the costs that are covered

- A provider conducting a funded IEE will bill DCPS directly, not the parent. The provider should bill within the DCPS Maximum Evaluation Costs listed on page 22. If you choose a provider not on the IEE vendor list, please make sure the provider accepts these rates and agrees to bill DCPS directly for payment. If an extenuating circumstance prevents your chosen provider from billing DCPS directly, please contact your DCPS point of contact *before* beginning the evaluation.
- For low incidence evaluations such as Assistive Technology, Adaptive Physical Education, and Vocational assessments not addressed by the rate guidelines on page 22, payment will be made on a case-by-case basis in conjunction with DCPS, the OSSE, and the provider involved. DCPS or the OSSE will pay reasonable rates for these assessments.

Step 3 – Confirm the type of evaluation recommended for your child

Below is a table that outlines evaluations that your child may need. Please look at each evaluation recommended for your child and take note of what is involved and why it is done.

DISCIPLINE	EVALUATION	WHAT'S INVOLVED	WHY IT'S DONE
Audiology	Audiological	Interview and testing of student, including use of audiology booth and collecting information from teachers and parent or guardian.	To assess student's hearing abilities and likely impact of deficits on academic learning.
Audiology	Auditory Processing Disorder (APD)	Interview and testing of student, including use of audiology booth and collecting information from teachers and parent or guardian.	To assess the way in which the student cognitively processes the things he/she hears.
Psychology	Psychological: Adaptive Functioning Component	Interview and observations of student. Administering questionnaires from teachers and parent or guardian.	To evaluate daily living skills and level of independence in daily functioning.
Psychology	Psychological: Clinical Component	Interview and testing of student. Gathering of questionnaires from teachers and interview of parent or guardian.	To evaluate social, emotional, and behavior functioning including mood, coping skills, social interaction, and acting out behaviors, amongst other mental and behavioral health
Psychology	Psychological: Cognitive Component	Interview and testing of student. Gathering of questionnaires from teachers and interview with parent or guardian, review of work samples and education records. Tests can include visual-motor processing, cognitive processing, decision-making, planning & organization skills	To evaluate intellectual functioning and cognitive ability.
Psychology	Psychological: Educational	Interview, observation and testing of student. Gathering of questionnaires from teachers and parent or guardian, review of work samples, and education records.	To assess academic achievement, to include reading, math, and written expression abilities.

DISCIPLINE	EVALUATION	WHAT'S INVOLVED	WHY IT'S DONE
Psychology	Psychological: Comprehensive	Any combination of the following components: Clinical Cognitive Educational	To measure all areas of concern requires a comprehensive assessment of the student.
Psychology	Neurological	Medical exam	To measure neurological function, including muscle strength, autonomic nerve functioning, and primary neurological function.
Psychology	Neuropsychological	Testing of student and review of education and medical history. Gathering of feedback from teachers, parent or guardian, and medical caregivers.	To evaluate the processing of visual and auditory material. Includes evaluation of profound attention deficits, problem solving, organization, motor functioning and other areas of cognitive processing believed to result from physical deficits.
Psychology	Psychiatric	Testing of student and review of education and medical history. Gathering of feedback from teachers, parent or guardian, and medical caregivers.	To diagnose emotional, behavioral or development disorders and determine educational impact.
Social	Functional Behavioral Analysis (FBA)	In-classroom observation of student by provider and teachers. Gathering of feedback from teachers and parent or guardian.	To observe and modify the environment and structure to affect change in behavior.
Social	Social History	Interview with parent or guardian, and potentially the student, or other relevant persons in the student's life	To evaluate the current and past factors contributing to the student's ability to be successful at school
Speech & Language	Speech & Language	Testing of student, review of education and developmental history, observation and gathering feedback from teachers and parent or guardian.	To assess articulation, speech intelligibility, voice, fluency, pragmatics, vocabulary, and receptive and expressive language

DISCIPLINE	EVALUATION	WHAT'S INVOLVED	WHY IT'S DONE
Occupational Therapy	Occupational Therapy	Testing of the student, in-classroom observation, interview of teachers, caregivers, parent or guardian.	To determine skill level and what is needed to develop and sustain the independence of the student through skill acquisition as it relates to motor difficulties, and promote involvement in daily activities.
Physical Therapy	Physical Therapy	Testing of the student, in-classroom observation, gathering feedback from teachers, caregivers, parent or guardian.	To determine skill level and intervention needed to aid the student in rehabilitation for physical manifestations of child's needs.
Assistive Technology	Assistive Technology	Testing of the student, observations and gathering of student, teacher, and parent or guardian feedback.	To determine what types of technology the student may require for success at school.
APE	Adapted Physical Education	Testing of the student	To determine what type of support is required for students with special needs in physical activities.

Step 4 – Select and contact a provider

- After you review the type of evaluation recommended for your child (Step 3), you will need to select a provider and schedule an evaluation.

Key things to consider in selecting a provider:

- Capability: Is the provider able to deliver the recommended evaluation?
- Location: Is the provider located somewhere that you can easily get to?
- Availability: Is the provider able to schedule an evaluation session at a time that you can attend and will not delay the process for your child?
- Approval: Is the provider willing to accept DCPS rates for services? Please see the DCPS Maximum Evaluation Rates on page 22.

When you talk to the provider, make sure that you:

- Explain that you have an authorization from DCPS for an independent educational evaluation (IEE). Providers regularly conduct independent educational evaluations when provided with an authorization form and bill DCPS/OSSE directly.
- Confirm the specific evaluation the provider will conduct.
- Schedule a time and date for the evaluation.
- Verify where the evaluation will be conducted.

The next page lists some local providers in the Washington, DC area as a place to start your search. You may select a provider not on this list, as long as they are qualified to conduct the assessment your child will receive and accept the prescribed DCPS rates on page 22. A DCPS employee may not conduct an independent evaluation.

Independent providers conducting evaluations through an authorization letter are not considered DCPS employees. DCPS makes no guarantees or representations regarding the quality of the evaluation and assumes no liability, whether by way of contribution or otherwise, for any damages incurred by the parent or student in connection with the independent provider.

Psychology

Provider Name	Type of Assessments Conducted
Inner City Family Services 2307 Martin Luther King Jr. Ave SE, Washington DC 20020 202.525.4855	Psychological
Outreach Solutions 1460 Main Street #117 Upper Marlboro, MD 20772 301.574.8027	Psychological
Solutions Educational Consultants 4508 4th Rd N, Arlington, VA 22203 240.274.1497	Psychological
George Washington Meltzer Center 2125 G St NW #101K, Washington, DC, 20052 202.944.5395	Psychological
The Child and Family Practice 4800 Hampden Ln. Ste. 200 Bethesda, MD 20814 703.647.4197	Psychological
Newlen Education Group 9404 Shield Drive, Upper Marlboro, MD 20772 202.481.1397	Psychological
Lifelong Wellness 8403 Colesville Rd, Suite 1100, Silver Spring, MD 20910 301.367.4827	Psychological
Morgan Holdings Group, LLC 4309 Travancore Ct., Randallstown, MD 21133 443.413.9484	Psychological
Katherine A. Martin 932 Hungerford Dr. Ste. 18B 301.315.0917	Psychological
Alina Assessment Services 412 First St. SE, Washington, DC 20003 240.424.0073	Psychological
Campbell Psychological Services 8607 2 nd Ave. Silver Spring, MD 20910 301.589.5533	Psychological
Weinfeld Education Group 104 Northwood Avenue, Silver Spring, MD 20901 301.681.6233	Psychological
Joy Nagorniak 3 Washington Circle, NW #406, Washington, DC 20037 202.309.5830	Psychological

Behavioral and Educational Solutions 8609 2 nd Ave #506B, Silver Spring, MD 20910 240.398.3514	Psychological
Washington Psychology Associates 1313 L St. NW Washington, DC 20005 202.374.5756	Psychological
Mid-Atlantic Children's Services 9658 Baltimore Ave #240 College Park, MD 20740 240.297.9857	Psychological

Speech and Language Pathology

Provider Name	Type of Assessments Conducted
District Speech and Language Therapy 2604 Connecticut Ave. NW, Suite 202, Washington, DC 20017 202.417.6676	Speech and Language
HSC Pediatric Center 1731 Bunker Hill Rd. NE, Washington, DC 20017 202.832.4400	Speech and Language
Solutions Educational Consultants 4508 4 th Rd. N, Arlington, VA 22203 240.274.1497	Speech and Language
Capitol Kids Speech Therapy 201 8 th St. NE, Washington, DC 20017 202.544.5469	Speech and Language
Something 2 Talk About 9470 Annapolis Rd., Suite 409, Lanham, MD 20706 301.661.4729	Speech and Language
Behavior and Education Solutions 8609 2 nd Ave., Suite 404B, Silver Spring, MD 20910 240.398.3514	Speech and Language
The Connections Therapy Center 9470 Annapolis Rd., Suite 416, Lanham, MD 20706 301.577.4333	Speech and Language
Unlimited Expressions 3414 Summit Ct. NE, Washington, DC 20018 202.744.8158	Speech and Language
The Reading and Language Learning Center 8229 Boone Blvd., Suite 660, Vienna, VA 22182 703.821.1363	Speech and Language
Children's Speech and Language Services 6231 Leesburg Pike, Falls Church, VA 22044 703.685.1070	Speech and Language
Gallaudet University Hearing and Speech Center Sorenson Language and Communication Center 2200 800 Florida Ave. NE, Washington, DC 20002 202.250.2119	Speech and Language

Physical Therapy

Provider	Type of Assessment Conducted
Sensational Kids Therapy 4400 Jenifer St NW #280 Washington, DC 20015 202.244.8089	Physical Therapy
HSC Pediatric Center 1731 Bunker Hill Road, NE Washington, DC 20017 202.832.4400	Physical Therapy
Solutions Education Consultants 14808 Willoughby Road Upper Marlboro, MD 20772 240.274.1497	Physical Therapy
Unlimited Expressions 3414 Summit Ct. NE Washington, DC 20018 202.744.8158	Physical Therapy
The Connections Therapy Center 9470 Annapolis Road, Suite 416 Lanham, MD 20706 301.577.4333	Physical Therapy
Weinfeld Education Group 104 Northwood Avenue, Silver Spring, MD 20901 301.681.6233	Physical Therapy

Occupational Therapy

Provider	Type of Assessment Conducted
Sensational Kids Therapy Group 4400 Jenifer Street New Suite 280 Washington, DC 20015 202.244.8089	Occupational Therapy
Jeter Rehab Therapy 1900 L St NW #607 Washington, DC 20036 202.528.7223	Occupational Therapy
Something 2 Talk About 9470 Annapolis Road Suite 409 Lanham, MD 20706 301.661.4769	Occupational Therapy
The Connections Therapy Center 9470 Annapolis RD, Suite 416 Lanham, MD 20706 301.577.4333	Occupational Therapy
Weinfeld Education Group 104 Northwood Avenue, Silver Spring, MD 20901 301.681.6233	Occupational Therapy
HSC Pediatric Center 1731 Bunker Hill Rd. NE Washington, DC 20017 202.832.4400	Occupational Therapy

Social Work

Provider	Type of Assessment Conducted
The Mecca Group, LLC 1629 K Street NW, Suite 300 Washington, DC 20006 202.529.3117	Social History Functional Behavioral Assessment (FBA)
Weinfeld Education Group 104 Northwood Avenue, Silver Spring, MD 20901 301.681.6233	Social History Functional Behavioral Assessment (FBA)

Assistive Technology

Provider	Type of Assessment Conducted
Out of the Box Accessibility Solutions 571.439.5697	Assistive Technology
Columbia Lighthouse for the Blind 1825 K Street NW Washington, DC 20006 202.454.6400	Assistive Technology
Weinfeld Education Group 104 Northwood Avenue, Silver Spring, MD 20901 301.681.6233	Assistive Technology
HSC Pediatric Center 1731 Bunker Hill Road, NE, Washington DC 20017 202.832.4400	Assistive Technology

Audiology

Provider	Types of Assessment Conducted
Chattering Children 4880 MacArthur Blvd, NW Washington, DC 20007 202.333.1403	Auditory Processing Disorder Audiology

Step 5 – Attend the evaluation

- Be sure to arrive on time for your scheduled evaluation. When you attend your scheduled evaluation, your provider will meet with you and your child, which may include testing and interviews. Many evaluations take a full day to complete and require your participation.
- At the start of your evaluation, give a copy of the “For the Provider” part of this guide to the provider. The provider **must** use this section of the guide along with the completed evaluation to ensure timely payment for services.

Step 6 – What follow-up to expect from DCPS

- The provider must send the completed evaluation report to the appropriate DCPS contact.
- Upon receipt, the DCPS local education agency (LEA) representative (e.g. the Special Education Coordinator, Non-Public Monitoring Specialist, Compliance Case Manager, or School Support Liaison) assigned to your child will contact you to schedule a review meeting.
- Please also follow up with your DCPS LEA representative to ensure that the evaluation has been completed and that a review meeting may be scheduled.
- At the review meeting, your child's DCPS LEA representative will discuss the evaluation findings with you and other DCPS and school personnel. If appropriate, an individualized education program (IEP) for your child may also be created or updated.

For the Provider

Step 1 – DCPS Requirements for Independent Educational Evaluations (IEEs)

If you are in receipt of this document, you have been asked to complete an independent educational evaluation (IEE) for a DCPS student. As you are conducting an “independent” evaluation, you are not considered an employee of DCPS. Nothing in this *Parent Guide* or in the parent’s accompanying *IEE Authorization Letter* shall be deemed to constitute a partnership or joint venture between you and DCPS, or constitute either you or DCPS to be the agent of one another for any purpose. Neither you nor DCPS shall have any authority to act for or bind the other in any way, or to represent that such authority is held.

The Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400, et seq., mandates that all states and school districts must make available a free and appropriate education to all students with disabilities between the ages of three and twenty-one. States and school districts must ensure that each student receiving special education services must have an individualized education program (IEP) that identifies the special education and related services that must be provided to meet each child’s individual needs.

DCPS requires that all funded IEEs summarize in writing:

- The procedures used
- The assessment instruments used
- Results
- Diagnostic impressions
- Relevant recommendations for meeting identified needs of the student

All funded IEE reports must be completed by a professional who meets the licensure, certification, and credentialing criteria for his or her discipline in Washington, DC, or the locality of practice, or is appropriately supervised by a clinician who meets these criteria.

For providers working in Washington, DC, these criteria are listed below:

Discipline	Assessment Can Conduct	Credentials Required
Psychologist	Psychological Assessment, Functional Behavior Assessment	DC Department of Health Psychology License
Social Worker	Social History Assessment, Functional Behavior Assessment	DC Board of Social Work licensure as a social worker
Audiologist	Audiological Assessment, Auditory Processing Disorder Assessment	DC Department of Health Audiology License
Speech Language Pathologist	Speech Language Assessment, Assessment, Assistive Technology Assessment (depending on referral questions)	DC Department of Health Speech Language Pathology License
Occupational Therapist	Assessment, Assistive Technology Assessment (depending on referral questions)	DC Department of Health Occupational Therapy License
Physical Therapy	Physical Therapy Assessment, Assessment, Assistive Technology Assessment (depending on referral questions)	DC Department of Health Physical Therapy License
Board Certified Behavior Analyst	Functional Behavioral Assessment	Licensed by Behavior Analyst Certification Board (Master's degree + passing of BCBA exam)

All funded IEE reports must be provided on the vendor's or provider's letterhead to include the evaluation date, evaluator's signature, and credentials.

DCPS expects that all IEE reports will contain an educational component, including an observation of the student in his or her educational environment. All reports should be clearly written and include a robust examination of the student and review of all pertinent historical information relating to the student

Upon completion of your report, please follow the billing and payment directions provided herein in order to receive payment.

Step 2 – Billing Information and Invoicing Process

- Please work with the DCPS LEA representative of the DCPS student you have evaluated to determine whether the student attends a non-public, DCPS-LEA charter, or DCPS school.
- All invoices for DCPS students placed in non-public schools will be processed by the Office of the State Superintendent of Education (OSSE).
- All invoices for students in DCPS schools or a DCPS-LEA charter school will be processed by DCPS. Details about this distinction may be found at the OSSE website <http://osse.dc.gov> under the section “Special Education.”
- In addition to submitting your report to the appropriate address along with the invoice, you should also provide copies of the report to the parent and appropriate DCPS staff member as described in the authorizing document.
- By submitting your invoice, you represent and acknowledge that you meet the licensure, certification, and credentialing criteria for your evaluation discipline established in Section 2, Step 1 of this document.
- If an extenuating circumstance prevents you from billing DC Government directly, you must notify the parent *before* beginning the evaluation. The parent will need to discuss this with their DCPS point of contact before proceeding.

For students attending DCPS schools and DCPS-LEA charter schools

- Each invoice packet must include the following documentation:
 - An invoice submission cover sheet (template provided)
 - An invoice for services on company letterhead that includes:
 - Student’s name
 - Student’s date of birth
 - Student’s attending school
 - Student’s DCPS ID number
 - Invoice number
 - A copy of the entire IEE authorization letter/HOD/SA
 - A copy of the evaluation report on company letterhead that includes:
 - Evaluator’s signature
 - Evaluator’s credentials
 - Evaluator’s email address
 - Evaluation date
 - A copy of the evaluator’s current license/credentials
- If you have not done business with DCPS before, you will also need to submit a completed W-9 tax form. This form only needs to be submitted with your first invoice and when there is any change to the information contained therein (ex. address, telephone number).

- Corporations must also complete a Master Supplier form along with a W-9 form and send it to kim.bryant3@dc.gov in order to receive payment.
 - Note: The Master Supplier form must be requested via email (comped.dcps@dc.gov).
 - Please allow up to 30 days for the Office of the Chief Financial Officer to input and confirm the accuracy of newly submitted W-9 and Master Supplier forms.
- If you have any questions prior to submitting your completed invoice packet, please contact the individual who authorized the evaluation (found on the authorization letter).
- Please submit your completed invoice packet to **DCPS.INVOICES@DC.GOV**.

For students attending non-public schools

- Please send a complete invoice, a copy of the authorization letter/HOD/SA and a copy of the evaluation report to the OSSE for processing. The invoice must include the student's name, date of birth, attending school, and DCPS student ID number. If you have any questions prior to submitting your completed invoice packet, please contact Yvonne Smith (yvonne.smith@dc.gov) or at 202.741.5996.
 - Billing address for the OSSE (Postmarked invoices via U.S. Mail):
Office of State Superintendent of Education
Non Public Payment Program
P.O. Box 77167
Washington, DC 20013-8167
 - Billing address for the OSSE (Hand Deliveries/Express Mail):
Office of State Superintendent of Education
Non-Public Payment Program
441 4th Street NW, Ste. 350 North
Washington, DC 20001

DCPS Maximum Evaluation Rates

- Please see below the approved maximum hourly rates and maximum total rates DCPS will pay for any assessment. The specific rate cap for an assessment may also be stipulated on the IEE authorization letter for an assessment type not included on the below list. For assessments not on this list, DCPS or the OSSE will pay reasonable costs.
 - **Comprehensive Psychological** (cognitive, achievement, social-emotional, possible depression/anxiety, educational component): maximum total amount: \$2,500.00
 - **Neuropsychological** (cognitive, achievement and comprehensive neuropsychological battery): maximum hourly rate: \$124.47, maximum total amount: \$2,862.81
 - **Educational**: maximum total amount: \$1,000.00
 - **Occupational Therapy**: maximum hourly rate: \$130.38, maximum total amount: \$782.28
 - **Physical Therapy**: maximum hourly rate: \$111.70, maximum total amount: \$446.80
 - **Speech and Language**: maximum hourly rate: \$108.33, maximum total amount: \$866.64
 - **Audiological**: maximum hourly rate: \$120.28, maximum total amount: \$481.12
 - **Social History**: maximum hourly rate: \$80.00, maximum total amount: \$160.00
 - **Functional Behavioral Assessment**: maximum total amount: \$1,200.00
- DCPS utilizes rates that are applicable to personnel utilized by public agencies pursuant to the District of Columbia Municipal Regulations. Reasonable and documented fees that exceed these rates may be allowed on a case by case basis at the discretion of the District of Columbia, when the evaluator you select can justify that the excess costs were essential for educational and/or diagnostic purposes. Should an evaluator believe a higher rate is required to complete the evaluation, he or she should immediately reach out to the DCPS point of contact listed on the authorization letter to provide justification.

Compensatory Education Services

Overview

Dear Parent,

Your child has been found eligible to receive independent compensatory education services. These services were awarded as a result of a compensatory education plan authorized by a DCPS official (a Compliance Case Manager, School Support Liaison or Non-Public Monitoring Specialist) or ordered by an independent hearing officer. The duration, intensity, and maximum cost of these services are detailed in the attached authorization letter. These services must be rendered outside of normal school hours (8:30am-3:30pm Monday-Friday) and provided at no cost to you.

Below, you will find a list of some local independent service providers that may be able to provide services to your child. This is not a complete list of providers in the area. You should feel free to choose any provider that you believe will best serve your child, as long as he or she is not employed by the Government of the District of Columbia, meets the licensure requirements for the awarded service, and works within the cost and other guidelines contained in the authorization letter. DCPS does not endorse any independent service provider or tutor and this guide is merely to assist you in selecting a provider. You are also able to change providers if you are not satisfied with the vendor's services. If you change providers, please update the individual who authorized the independent services (found on the authorization letter).

All independent services are to be provided outside of normal school hours of operation, and under no circumstances are any of these services permitted to be provided on school property. Independent services are not intended to replace school-based services and your student must not receive compensatory service sessions during normal school hours if absent from school.

In addition to the list of service providers, you will find the billing guidelines that must be forwarded to the selected provider before services begin. The selected provider must follow these billing guidelines and invoice DCPS directly.

If an unusual circumstance prevents your chosen provider from billing DCPS directly, please contact your DCPS point of contact *before* beginning services.

Our team is happy to assist in any way that we can and answer any questions that you may have. If you have any concerns or need any help in this process, you may contact the Resolution Team at 202.442.9252.

Regards,

DCPS Office of Teaching and Learning, Resolution Team

Compensatory Education Quick Tips for Parents

Please keep the following in mind as you arrange and receive compensatory education services for your student.

1. Maintain a copy of your authorizing document (Hearing Officer Determination, settlement agreement, or authorization letter).
2. Select a service provider. You can choose from the list in this guide or choose another provider who will best serve your student. Please keep in mind that the provider must meet the licensure or certification requirements contained in this guide.
3. Once you have selected a provider, provide your DCPS point of contact (compliance case manager, school support liaison, non-public monitoring specialist) with the name and current contact information, including email address, of the vendor you have selected.
4. Provide a copy of your authorizing document to your selected service provider.
5. Schedule and participate in service sessions.
 - o Again, compensatory education services cannot be provided on school property or during school hours (8:30am-3:30pm Monday-Friday). Your student must not receive compensatory service sessions during normal school hours if absent from school.
6. Independently track how many hours your child uses. Although the service provider will bill DCPS for the hours serviced, it is strongly recommended that parents track the date and time of each hour used. To ensure your child receives all hours authorized, you may be asked to verify the dates and times submitted by the service provider.
7. At the end of each service session, you will be asked to sign a service log verifying the date and time in which services occurred. If your student is at least 16 years old at the time of service, they may sign the log .
8. You may change providers at any point. You should alert the new provider of the number of authorized hours that have already been completed and give them a copy of the authorization letter. Also let your DCPS point of contact know you have switched providers.

Provider Directory

Tutoring

Maximum Hourly Rate: \$65.00

Providers

1. Advent Educational Specialists, Inc.: Ron Mills 202.787.0036
 - Hours of Operation: Sunday-Friday 8:30am-6:30pm
 - Language(s): English
 - Services can be provided at the student's home
2. Club Z Tutoring: Ron Joiner, 202.269.2718 www.clubztutoring.com
 - Hours of Operation: Monday-Friday 9:00am-5:00pm
 - Language(s): English, Spanish, French, German
 - Services can be provided at the student's home
3. C-3 Solutions: Elizabeth Smith, 443.404.5101
 - Hours of Operation: Monday-Friday 8:00am-6:00pm
 - Language(s): English
 - Services can be provided at the student's home or closest library
4. Future Leaders of America: 240.770.7153 www.leadersfirst.us
 - Hours of Operation: Based on student's availability
 - Language(s): English
5. H.E.L.P/Educational Support Services: Shawn Strader, 202.232.1137
 - Hours of Operation: Monday-Friday; after school, last client seen at 7pm
 - Language(s): Spanish, Amharic, and French
6. Pathway to Success: Terrance Jackson, 202.469.0944
 - Hours of Operation: Monday-Saturday; Flexible Hours
 - Language(s): English and Spanish
 - Services can be provided at the student's home
7. Prodigy Student Support Services, 202.510.5192
 - Hours of Operation: Monday-Saturday
 - Language(s): English
8. Project MBrace: Ms. Simpson, 202.621.3447
 - Hours of Operation: Monday-Saturday; Flexible Hours
 - Language(s): English
 - Services can be provided at the student's home

9. Ravizee Education Consulting: Charmaine Ravizee, 202.497.5003
 - Hours of Operation: Flexible Hours
 - Language(s): English
10. Educational Resources: Derek Marryshow, 301.661.2348
 - Hours of Operation: Flexible Hours
 - Language(s): English
11. Education Due Process Solutions: Jessica Williams, 240.294.6047, jessica@educationdps.com
 - Hours of Operation: Monday-Friday 8:00am-8:00pm
 - Language(s): English
12. Newlen Education: Dr. Lennon, 301.452.8760 or 202.248.1397 services@newleneducation.com
 - Hours of Operation: Monday-Friday Flexible Hours
 - Language(s): English
13. Education Solutions: Jay Michney, 703.312.5300, jmichney@verizon.net
 - Hours of Operation: Monday-Saturday Flexible Hours
 - Language(s): English
14. R&J Consulting, 202.269.2718
 - Hours of Operation: Monday-Friday
 - Language(s): English
15. Martha's Table, 202.328.6608
 - Hours of Operation: Monday-Friday
 - Language(s): English
16. Georgetown Tutoring, Lisa Kolovich, 301.919.4469, support@georgetowntutoring.com
 - Hours of Operation: Monday-Saturday
 - Language(s): English
17. Latin American Youth Center Programs (LAYC), 202.319.2225, www.layc-dc.org
 - Hours of Operation: Monday/Wednesday/Friday 8am-7pm, Tuesday/Thursday 8am-8pm
 - Language(s): English, Spanish
18. Lynn Kaplan (SPED Math Tutor, 301.300.6425, mathkaplan@gmail.com)
 - Hours of Operation: Monday-Friday Flexible Hours
 - Language(s): English

Counseling Services

Hourly Rate: Dependent on Qualifications

Providers

1. Pathways to Success: Terrance Jackson, 202.469.0944
 - Hours of Operation: Monday-Saturday Flexible Hours
 - Language(s): English, Spanish
2. Latin American Youth Center Program (LAYC), 202.319.2225, www.layc-dc.org
 - Hours of Operation: Monday/Wednesday/Friday 8am-7pm Tuesday/Thursday 8am-8pm
 - Language(s): English, Spanish
3. Affordable Behavioral Consultants, 301.386.7722, abcmaryland.com
 - Hours of Operation: Monday-Friday
 - Language(s): English
4. Inner City Family Services, 202.525.4855, www.innercityfamilieservices.com
 - Hours of Operation: Monday-Friday
 - Language(s): English
5. Life Enhancement Services, 202.269.2401, www.lifeenhancementservices.org/dc
 - Hours of Operation: Monday-Friday
 - Language(s): English
6. George Washington University Meltzer Center, 202.944.5395
 - Hours of Operation: Monday-Friday, Flexible Hours
 - Language(s): English
7. AAC Counselling Associates, Patricia Webbink, 301.229.0044
 - Hours of Operation: Monday-Friday Flexible Hours
 - Language(s): English

Mentoring Services

Maximum Hourly Rate: \$65.00

Providers

1. MEL Mentoring Program (for youth girls 8-15): Melissa Patterson-Latson, 240.504.2791
 - Hours of Operation: Flexible
 - Language(s): English
2. Life Enhancement Services, 202.269.2401, www.lifeenhancementservices.org/dc
 - Hours of Operation: Monday-Friday
 - Language(s): English
3. Affordable Behavioral Consultants, 301.386.7722
 - Hours of Operation: Monday-Friday
 - Language(s): English
4. Latin American Youth Center Program (LAYC), 202.319.2225, www.layc-dc.org
 - Hours of Operation: Monday/Wednesday/Friday 8am-7pm Tuesday/Thursday 8am-8pm
 - Language(s): English
5. Pathways to Success: Terrance Jackson, 202.469.0944
 - Hours of Operation: Monday-Saturday, Flexible Hours
 - Language(s): English and Spanish

Occupational Therapy

Occupational Therapy (OT) services may address the functional needs of a child related to the performance of self-help skills, adaptive behavior and play, and sensory, motor and postural development.

These services are designed to improve the child's functional ability to perform tasks at home, school, and community settings and may include:

- Identification, assessment and intervention;
- Adaptation of the environment;
- Selection, design and fabrication of assistive and orthotic devices to facilitate development and promote acquisition of functional skills;
- Prevention or minimization of the impact of initial or future impairment, delay in development or loss of functional ability.

To perform Occupational Therapy services, a provider must be licensed by the DC Occupational Therapy Board of Licensure.

Maximum Hourly Rate: \$130.38

Providers

1. Advent Educational Specialists, Inc: Ron Mills, 202.787.0036
 - Hours of Operation: Sunday-Friday 8:30am-6:30pm
 - Language(s): English
 - Services can be provided at the student's home
2. C-3 Solutions: Charles Thomas, 443.404.5101
 - Hours of Operation: 8:00am-6:00pm
 - Language(s): English
 - Services provided at the student's home or closest library
3. Skills on the Hill: Kristen Masci, 202.544.5439
 - Hours of Operation: based on student's availability
 - Language(s): English
4. Something 2 Talk About, 301-661-4729, s2talkabout.net
 - Hours of Operation: Monday-Friday
 - Language(s): English, Spanish
5. HSC Pediatric Center, 202-832-4400, hscpediatriccenter.org
 - Hours of Operation: Monday-Friday
 - Language(s): English, Spanish

6. Jeter Rehab Therapy, 202.528.7223
 - Hours of Operation: Monday-Friday
 - Language(s): English

7. Sensational Kids Group Therapy, 202-244-8089
 - Hours of Operation: Monday-Friday
 - Language(s): English

Physical Therapy

Physical Therapy services may address the promotion of sensory-motor function through enhancement of musculoskeletal status, neurobehavioral organization, perceptual and motor development, cardiopulmonary status and effective environmental adaptation.

To perform Physical Therapy services, the clinician must be licensed by the DC Physical Therapy Board of Licensure.

Maximum Hourly Rate: \$111.70

Providers

1. Advent Educational Specialists, Inc: Ron Mills, 202.787.0036
 - Hours of Operation: Sunday-Friday 8:30am-6:30pm
 - Language(s): English
 - Services can be provided at the student's home
2. C-3 Solutions: Charles Thomas, 443.404.5101
 - Hours of Operation: 8:00am-6:00pm
 - Language(s): English
 - Services provided at the student's home or closest library
3. Jewel Therapy: Winfield White and Diana Davenport, 301.520.9376
 - Hours of Operation: 3:30pm-5:30pm; Saturdays on request
 - Language(s): English
 - Services provided at the student's home
4. Multicultural Rehab, Inc: 301.754.2003 www.mrehab.com
 - Hours of Operation: Monday-Friday 9:00am-5:00pm
 - Language(s): English and Spanish
 - Services can be provided at the student's home
5. HSC Pediatric Center, 202.832.4400, hscpediatriccenter.org
 - Hours of Operation: Monday-Friday 9:00am-5:00pm
 - Language(s): English

Behavioral Support Services

Behavioral support service providers work with children in need of additional support in their social-emotional development. Therapists provide individual and group counseling to students and apply appropriate social skill building activities where necessary. Clinicians may also assist in identifying, mobilizing, and coordinating community resources and services to enable the child and family to receive maximum benefit from services.

A psychologist, social worker, or licensed counselor can provide behavioral support services. The clinician must hold a valid license from the state within which they are practicing.

Maximum Hourly Rate: \$99.50

Providers

1. Advent Educational Specialists, Inc.: Ron Mills, 202.787.0036
 - Hours of Operation: Sunday-Friday 8:30am-6:30pm
 - Language(s): English
 - Services can be provided at the student's home

2. Crawford Consulting and Mental Health Services: Patrick A. Crawford, 301.341.5111, www.crawfordconsulting.org
 - Hours of Operation: Monday-Friday 9:00am-8:30pm; Saturday 9:00am-3:00pm
 - Language(s): English
 - Services provided in office (DC: Anacostia Metro; MD: Cheverly metro)

Speech Pathology Services

Speech-Language Pathologists provide therapy in the areas of articulation, fluency, receptive language, expressive language, pragmatics, and voice to assist students with accessing the general education curriculum.

Speech-Language Pathologists must hold a DC Department of Health Speech-Language Pathology license.

Maximum Hourly Rate: \$108.33

Providers

1. Advent Educational Specialists, Inc.: Ron Mills, 202.787.0036
 - Hours of Operation: Sunday-Friday 8:30am-6:30pm
 - Language(s): English
 - Services can be provided at the student's home
2. C-3 Solutions: Elizabeth Smith, 443.404.5101
 - Hours of Operation: Monday-Friday 8:00am-5:30pm
 - Language(s): English
 - Services can be provided at the student's home
3. On Target Speech and Language Consulting, Bradley M. Zambanini. 888291.7840 or 202.421.6604, www.ontargetspeech.com
 - Hours of Operation: Monday-Friday 8:00am-8:00pm, by appointment
 - Language(s): English
 - Services can be provided at the student's home
4. Outreach Solutions Inc., Mr. Bell, 301.574.8027
 - Hours of Operation: Monday-Friday 8:00am-6:00pm
 - Language(s): English
 - Services can be provided at the student's home or closest library
5. Unlimited Expressions, Jennifer Brooks, 202.744.8158
 - Hours of Operation: Monday-Friday 8:00am-6:00pm
 - Language(s): English
 - Services can be provided at the student's home or closest library
6. Behavior and Education Solutions, 240.398.3514
 - Hours of Operation: Flexible
 - Language(s): English

7. Something 2 Talk About, 301.661.4729, www.s2talkabout.net
 - Hours of Operation: Monday-Friday
 - Language(s): English, Spanish

8. Pathways to Success: Terrance Jackson, 202.469.0944
 - Hours of Operation: Monday-Saturday, Flexible Hours
 - Language(s): English and Spanish

9. HSC Pediatric Center, 202.832.4400, hscpediatriccenter.org
 - Hours of Operation: Monday-Friday
 - Language(s): English

Applied Behavioral Analysis (ABA)

ABA is a research-based methodology that has proven to be effective for children with autism. It is behavioral-based and teaches children basic skills using discrete trial methods. It can be effective in decreasing behaviors for children with autism and can also be used to help children learn language. ABA is typically used for younger children with autism or for older children who are more impacted by autism. The services are usually provided in the home and there is a parent-training component that can empower parents. ABA services are typically provided by a consultant, who is usually certified in Behavior Analysis, and therapists, either college students or graduate students, who work individually with the students.

Maximum Hourly Rate: Dependent on Qualifications

Providers

1. Autism Outreach Inc.: Leslie Smith and Kelli O'Donnell, 703.789.0019
 - Hours of Operation: Monday - Friday 8:00am-7:00pm, Saturday by appointment
 - Language(s): English
 - Services can be provided at the student's home
2. The Connections Therapy Center, 301.577.4333
 - Hours of Operation: Monday-Friday 9:00am-5:00pm
 - Language(s): English
3. Early Autism Solutions, 202-321-6305.
 - Hours of Operation: Monday-Friday 9:00-5:00pm
 - Language(s): English
4. Jacob's Promise, 301-576-5487, <http://jacobspromise.com/about/>
 - Hours of Operation: Monday-Friday 9:00-5:00pm
 - Language(s): English

Billing Guidance for Vendors

Invoice Submission

Please notify comped.dcps@dc.gov before you begin working with a student.

Vendors will bill DCPS directly and must submit the following information when requesting payments from the District of Columbia Public School (DCPS), Office of Teaching and Learning. Please submit one complete invoice packet per student, on single-sided, standard sized (8.5x11") paper. If an extenuating circumstance prevents you from billing DCPS directly, you must notify the parent *before* beginning services. The parent will need to discuss this with their DCPS point of contact before proceeding.

W-9 tax form

- Corporations or individuals conducting business with the Government of the District of Columbia must submit their fiscal identity with the first invoice.
 - The W-9 form must be submitted with the first invoice and when there is any change to the information contained therein (ex. address, telephone number).
 - The W-9 must contain a valid, current telephone number. If the business uses a PO Box, the vendor still needs to list a physical address on W-9 form.
 - Corporations must also complete a Master Supplier form along with a W-9 tax form and send to kim.bryant3@dc.gov in order to receive payment.
 - Note: The Master Supplier form must be requested via email (comped.dcps@dc.gov).
 - Please allow up to 30 days for the Office of the Chief Financial Officer to input and confirm the accuracy of newly submitted W-9 and Master Supplier forms.

Authorization for completion of service.

- Copy of the authorization for services.
 - This could be a settlement agreement (SA), compensatory education authorization letter, Hearing Officer Determination (HOD) or other document extended by an authorized employee of the District of Columbia Public Schools Division of Specialized Instruction.
- The authorization document must be submitted with each invoice.

An invoice submission cover sheet (template provided).

A detailed invoice that includes:

- Student's full name, date of birth (DOB), and DCPS ID number
 - You must not bill for more than one student on an invoice
- Invoice number and date
- The total cost and time period covered

- Note: You must not bill for more than one month on an invoice
- The date(s) and time(s) when the service was provided
- Vendor email address

A signed service log verifying the completion of services (template provided).

- The service log must include:
 - Student's full name, date of birth (DOB), and DCPS ID number
 - Date(s), day(s), and time(s) when the service was provided
 - Signature of the parent/guardian or student, if at least 16 years old at the time of service, for each occurrence of the service.
 - First and last name of the provider(s) who provided services
 - Parent's printed name and email address
 - Vendor's printed name and email address

IMPORTANT: If services are provided during normal school hours (8:30am – 3:30pm), the following documentation is required:

- A copy of the school's calendar from the school website if services were provided on a weekday that is not a federal holiday.
- An email from the school regarding school hours if services were provided prior to 3:30pm due to the school's early dismissal schedule.

NOTE: Services provided on school property or during normal school hours on days in which a student is absent will not be approved for payment.

Credentials of the provider(s) who provided services to the student.

- Copy of the current license/certification of all providers who provided services to the student during the period covered by the invoice. See below for the licensure required for each service type.
- Credentials must be provided with each invoice.

Please submit your completed invoice packet to DCPS.INVOICES@DC.GOV.

IMPORTANT: Invoices submitted more than six (6) months after the date the services were provided shall not be accepted unless specifically approved by, and at the discretion of, DCPS Cf. (5A DCMR 2901.9).

By submitting your payment invoice, you represent and acknowledge that you meet the above established qualifications to provide independent services in your related discipline. Moreover, you acknowledge that nothing in this Parent Guide or in the parent's accompanying Independent Services Authorization Letter shall be deemed to constitute a partnership or joint venture between you and DCPS, or constitute either you or DCPS to be agent of one another for any purpose. Neither you nor DCPS shall have any authority to act for or bind the other in any way, or to represent that such authority is held.

Provider Credential Requirements

Providers working in Washington, DC must meet the following requirements. Providers working in other jurisdictions must meet the equivalent license requirements for the area in which they practice.

Service	Credential Requirement
Tutoring	Provider resume
Counseling	DC Department of Health Professional Counseling License, or DC Department of Health Social Work License, or DC Department of Health Psychology License
Mentoring	Provider resume
Occupational Therapy	DC Department of Health Occupational Therapy License
Physical Therapy	DC Department of Health Physical Therapy License
Behavior Support Services	DC Department of Health Psychology License, or DC Department of Health Social Work License, or DC Department of Health Professional Counseling License
Speech-Language Pathology	DC Department of Health Speech-Language Pathology License
Applied Behavioral Analysis	Provider resume

Invoice Submission Cover Sheet

Division of Specialized Instruction – Special Education

Vendor Name (as shown on your income tax return):		Invoice Number:
Invoice Date:	Invoice Amount:	Period of Service:
Vendor Email Address:		Vendor Phone Number:

Check the box below to indicate the type of service covered by your invoice and ensure all required supporting documentation listed is present before submitting your invoice.

Independent Educational Evaluation

If the following information is not included, your invoice submission is incomplete and cannot be processed:

- A copy of the evaluation report on company letterhead that includes the evaluator’s signature, evaluator’s credentials, evaluation date, and evaluator’s email address
- A copy of the evaluator’s current license/credentials
- A detailed invoice
- Authorization for completion of evaluation
- W-9 tax form (for the first invoice and when there is any change to the information contained therein (ex. address, telephone number))

Independent Services

If the following information is not included, your invoice submission is incomplete and cannot be processed:

- A detailed invoice
- A signed service log verifying the completion of services
- Authorization for completion of service
- Credentials of the provider(s) who provided services to the student
- W-9 tax form (for the first invoice and when there is any change to the information contained therein (ex. address, telephone number))

Please reference the “Billing Guidance for Vendors” section of the Parent Guide for a detailed explanation of these invoice requirements before submitting an invoice to DCPS.INVOICES@DC.GOV.

Reimbursement Guidance for Parents

Reimbursement Types and Checklists

If you were issued a settlement agreement or hearing officer determination (HOD) ordering DCPS to provide reimbursement upon receipt of satisfactory proof of payment, please reference the reimbursement types below. Each reimbursement type has a corresponding checklist (see Appendix I) that must be completed and submitted with the required documentation to your DCPS point of contact (compliance case manager, school support liaison, or non-public monitoring specialist).

Reimbursement Type	Required Reimbursement Checklist
Compensatory Education Services	Reimbursement Checklist – Compensatory Education Services
Independent Educational Evaluation (IEE)	Reimbursement Checklist - Evaluation
Other Compensatory Education Services (Outside of School Day)	Reimbursement Checklist – Other Compensatory Education Services (Outside of School Day)
Transportation (Privately Owned Vehicle)	Reimbursement Checklist – Transportation (Privately Owned Vehicle)
Transportation	Reimbursement Checklist - Transportation
Tuition	Reimbursement Checklist - Tuition

Frequently Asked Questions

1. Why do I need to submit a W-9 form?

A W-9 form is required to ensure that payment is issued and tracked properly. Without a W-9 on file, payment cannot be issued.

Please allow up to 30 days for the Office of the Chief Financial Officer to input and confirm the accuracy of newly submitted W-9 forms.

Helpful Tip: You may submit your completed, signed W-9 form to your DCPS point of contact prior to submitting your reimbursement request to ensure that your payment is not delayed.

2. Will my reimbursement be reported as income and/or taxed?

No. As a parent receiving reimbursement for services that were provided to your child, you will not receive a 1099 form. This means that your reimbursement payment will not be reported as income nor will taxes be applied.

3. Why do I need to complete a Certification Form for Compensatory Education Services/Other Compensatory Education Services?

When vendors submit invoices for compensatory education services, they submit an invoice service log that demonstrates date, start time & end time, and parent signature verifying services. Since the compensatory education services hours authorized by the HOD or SA could span over a long period of time or occur during normal school hours, parents can complete the certification form for compensatory education services/other compensatory education services upon requesting reimbursement.

- **How do I complete the “Service period” field?**

Specify the dates in which services were provided as ordered by the HOD or SA (i.e. March 2017 – June 2017).

4. Why do I need to submit an itemized account statement AND proof of payment (canceled check, credit card statement, or bank statement)?

The itemized account statement provides a detailed description regarding payments that have been made. Proof of payment demonstrates the method in which payments were made. It is imperative that sufficient proof of payment is provided so that DCPS can verify that the payments were applied to the time period that is mentioned in the HOD or SA.

- **What is a canceled check?**

A canceled check is a check that has been paid by the bank they are drawn on. After the money is deducted from your checking account, the bank will cancel the check so it can no longer be used.

5. How should I list and number my supporting documentation?

Number your supporting documentation in the order in which it is listed on the checklist (excluding your W-9 form). There is a space at the bottom of each checklist for you to number and list your supporting documentation.

- Example: ① HOD
② Evaluation Report
③ Itemized Account Statement/Invoice
④ Proof of Payment

Then, you will need to write the corresponding numbers on the actual documents.

If you have any additional questions, please contact your DCPS point of contact.

Appendix I



Reimbursement Checklist – Compensatory Education Services

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

PAYEE INFORMATION

Submit a completed W-9 Request for Taxpayer Identification Number and Certification for payee
(Go to www.irs.gov/FormW9 for instructions and the latest information).

AUTHORIZING DOCUMENT

Submit at least one of the following:

- Hearing Officer Determination (HOD)
- Settlement Agreement (SA)
- District Court Order
- Reimbursement Authorization Letter

List and number the type of document (number must be written on the document as well)

CERTIFICATION FORM

Submit a signed “Comp Ed Services Certification Form” (must be signed by service provider and parent)

PAYMENT CONFIRMATION

Submit payment confirmation from the provider (on company letterhead) to include the following:

- Student name
- Service type
- Service date(s)
- Start & end time(s)
- Hours completed
- Amount paid

PROOF OF PAYMENT

Submit one of the following types of proof of payment:

- Canceled check(s) – Details: Check number and amount(s) must match the provider’s payment confirmation
- Credit card statement (filtered) – Details: Payment must be issued to the provider and amount(s) must match the provider’s payment confirmation
- Bank statement (filtered) – Details: Payment must be issued to the provider and amount(s) must match the provider’s payment confirmation

List and number each type of proof of payment below and include the details mentioned above (number must be written on the document as well). If any proof of payment amount does not match the individual charges on the itemized account statement, there must be a breakdown of the payment amount (attach additional pages as needed).



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of Teaching and Learning

Certification Form for Compensatory Education Services

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

SERVICE INFORMATION

Type of service: _____
Service period: _____
Hours completed: _____
Authorized Rate: \$ _____

Service Provider Signature

Date

CERTIFICATION

I, _____, certify that the above information is true to the best of my knowledge and belief and I understand that my reimbursement request is subject to verification by DCPS upon receipt of additional documentation as required.

CERTIFICATION SIGNATURE

Print Name

Date

Signature

Date

CRIMINAL PENALTIES FOR MAKING FALSE STATEMENTS

Any person convicted of making false statements shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both. A person commits the offense of making false statements if that person willfully makes a false statement that is in fact material, in writing, directly or indirectly to any instrumentality of the District of Columbia government, under circumstance which the statement could reasonably be expected to be relied upon as true (DC Code 22-2405).



Reimbursement Checklist – Independent Educational Evaluation (IEE)

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

PAYEE INFORMATION

Submit a completed W-9 Request for Taxpayer Identification Number and Certification for payee
(Go to www.irs.gov/FormW9 for instructions and the latest information).

AUTHORIZING DOCUMENT

Submit at least one of the following:

- Hearing Officer Determination (HOD)
- Settlement Agreement (SA)
- District Court Order
- Reimbursement Authorization Letter

List and number the type of document (number must be written on the document as well) _____

EVALUATION REPORT

Submit a copy of the completed, signed evaluation report on company letterhead, with the evaluator's credentials (license/certification number).

ITEMIZED ACCOUNT STATEMENT/INVOICE

Submit an itemized account statement/invoice from the evaluator (on company letterhead) to include the following:

- Student name
- Evaluation type
- Evaluation date
- Amount paid
- Method of payment

PROOF OF PAYMENT

Submit one of the following types of proof of payment:

- Canceled check(s) – Details: Check number and amount to match the account statement
- Credit card statement (filtered) – Details: Payment must be issued to the school/provider and amount(s) must match the account statement
- Bank statement (filtered) – Details: Payment must be issued to the school/provider and amount(s) must match the account statement

List and number each type of proof of payment below and include the details mentioned above (number must be written on the document as well). If any proof of payment amount does not match the individual charges on the itemized account statement, there must be a breakdown of the payment amount (attach additional pages as needed).



Reimbursement Checklist – Other Compensatory Education Services (Outside of School Day)

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

PAYEE INFORMATION

Submit a completed W-9 Request for Taxpayer Identification Number and Certification for payee
(Go to www.irs.gov/FormW9 for instructions and the latest information).

AUTHORIZING DOCUMENT

Submit at least one of the following:

- Hearing Officer Determination (HOD)
- Settlement Agreement (SA)
- District Court Order
- Reimbursement Authorization Letter

List and number the type of document (number must be written on the document as well) _____

CERTIFICATION FORM

Submit a signed “Certification Form for Other Comp Ed Services” (must be signed by service provider and parent)

PAYMENT CONFIRMATION

Submit payment confirmation from the provider (on company letterhead) to include the following:

- Student name
- Service type
- Service date(s)
- Start & end time(s)
- Hours completed
- Amount paid

PROOF OF PAYMENT

Submit one of the following types of proof of payment:

- Canceled check(s) – Details: Check number and amount must match the account statement
- Credit card statement (filtered) – Details: Payment must be issued to the school/provider and amount(s) must match the account statement
- Bank statement (filtered) – Details: Payment must be issued to the school/provider and amount(s) must match the account statement

List and number each type of proof of payment below and include the details mentioned above (number must be written on the document as well). If any proof of payment amount does not match the individual charges on the itemized account statement, there must be a breakdown of the payment amount (attach additional pages as needed).



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of Teaching and Learning

Certification Form for Other Compensatory Education Services (Outside of School Day)

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

SERVICE INFORMATION

Type of service: _____
Service period: _____
Hours completed: _____
Authorized Rate: \$ _____

Service Provider Signature

Date

CERTIFICATION

I, _____, certify that the above information is true to the best of my knowledge and belief and I understand that my reimbursement request is subject to verification by DCPS upon receipt of additional documentation as required.

CERTIFICATION SIGNATURE

Print Name

Date

Signature

Date

CRIMINAL PENALTIES FOR MAKING FALSE STATEMENTS

Any person convicted of making false statements shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both. A person commits the offense of making false statements if that person willfully makes a false statement that is in fact material, in writing, directly or indirectly to any instrumentality of the District of Columbia government, under circumstance which the statement could reasonably be expected to be relied upon as true (DC Code 22-2405).



Reimbursement Checklist - Transportation (Privately Owned Vehicle)

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

PAYEE INFORMATION

Submit a completed W-9 Request for Taxpayer Identification Number and Certification for payee
(Go to www.irs.gov/FormW9 for instructions and the latest information).

AUTHORIZING DOCUMENT

Submit at least one of the following:

- Hearing Officer Determination (HOD)
- Settlement Agreement (SA)
- District Court Order
- Reimbursement Authorization Letter

List and number the type of document (number must be written on the document as well) _____

VERIFICATION FORM

Submit a signed "Parental Transportation Verification Form" for the current year, unless a previous year's IRS rate is specified on the authorizing document.

MILEAGE PRINTOUT

Submit a mileage printout that shows the distance from home to school (ex. Google Maps or Map Quest).

SUPPORTING DOCUMENTATION

List and number each type of supporting documentation below. The corresponding number must be written on the document as well. Attach additional pages as needed.



Reimbursement Checklist – Transportation

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

PAYEE INFORMATION

- Submit a completed W-9 Request for Taxpayer Identification Number and Certification for payee
(Go to www.irs.gov/FormW9 for instructions and the latest information).

AUTHORIZING DOCUMENT

- Submit at least one of the following:
- Hearing Officer Determination (HOD)
 - Settlement Agreement (SA)
 - District Court Order
 - Reimbursement Authorization Letter
- List and number the type of document (number must be written on the document as well) _____

VERIFICATION FORM

- Submit a signed “Parental Transportation Verification Form” for the current year, unless a previous year’s IRS rate is specified on the authorizing document.

PAYMENT CONFIRMATION

- Submit payment confirmation from the provider (on company letterhead) to include the following:
- Student name
 - Transportation date(s)
 - Pick-up & drop-off location(s)
 - Pick-up & drop-off time(s)
 - Amount paid

PROOF OF PAYMENT

- Submit one of the following types of proof of payment:
- Canceled check(s) – Details: Check number and amount(s) must match the provider’s payment confirmation
 - Credit card statement (filtered) – Details: Payment must be issued to the provider and amount(s) must match the provider’s payment confirmation
 - Bank statement (filtered) – Details: Payment must be issued to the provider and amount(s) must match the provider’s payment confirmation
- List and number each type of proof of payment below and include the details mentioned above (number must be written on the document as well). If any proof of payment amount does not match the individual charges on the itemized account statement, there must be a breakdown of the payment amount (attach additional pages as needed).
- _____
- _____
- _____



Reimbursement Checklist – Tuition

STUDENT INFORMATION

Name: _____ DOB: _____
State ID: _____ School: _____

PAYEE INFORMATION

Submit a completed W-9 Request for Taxpayer Identification Number and Certification for payee
(Go to www.irs.gov/FormW9 for instructions and the latest information).

AUTHORIZING DOCUMENT

Submit at least one of the following:

- Hearing Officer Determination (HOD)
- Settlement Agreement (SA)
- District Court Order

List and number the type of document (number must be written on the document as well) _____

ITEMIZED ACCOUNT STATEMENT

Submit an itemized account statement from the school (on school letterhead) to include the following:

- Student name
- Parent name
- The type of individual charge and the applicable time period (ex. Tuition – January 2017)
- Confirmation of payment
- Method of payment

PROOF OF PAYMENT

Submit one of the following types of proof of payment:

- Canceled check(s) – Details: Check number and amount to match the account statement
- Credit card statement (filtered) – Details: Payment must be issued to the school/provider and amount(s) must match the account statement
- Bank statement (filtered) – Details: Payment must be issued to the school/provider and amount(s) must match the account statement

List and number each type of proof of payment below and include the details mentioned above (number must be written on the document as well). If any proof of payment amount does not match the individual charges on the itemized account statement, there must be a breakdown of the payment amount (attach additional pages as needed).



Parental Appointment of Designee for Observation

I/we, _____ hereby appoint
_____, as my/our designee to observe my child’s current
or proposed special educational program, at _____ School. I hereby represent
that he/she is neither representing my child in litigation related to the provision of free and
appropriate public education nor has a financial interest in the outcome of such litigation and will
not disclose nor use any information obtained during the course of an observation for the
purpose of seeking or engaging clients in litigation against the District or the LEA.

I further assert that this designee (Check at least one and all that apply)

- Has professional expertise in the area of special education
- Is necessary to facilitate an observation for me due to my disability, or
- Is providing language translation services for me

Parent Signature

Date

Print Name

Parent Signature

Date

Print Name

Frequently Asked Questions:

Does my student have to go through the Student Support Team (SST) process or Special Education eligibility process *before* being referred to Section 504?

No. If there is reason to believe that a student has a disability that substantially limits his or her ability to access the school's general education curriculum, the student should be referred to the Section 504 Program. Students who are not eligible for special education may be eligible to receive services through a 504 Plan.

My student has a 504 Plan from a different school district or from a local charter or private school. Now that my student attends a DCPS school, will DCPS implement the old 504 Plan?

No. Different school districts have different facilities, schedules, curricula, and expectations. The accommodations and related services in one school district may not be appropriate in another district. When enrolling at a DCPS school, students with 504 Plans should complete a referral form and provide supporting information so that a 504 meeting can be held as soon as possible.

Is Section 504 the same thing as Special Education or an IEP?

No. Not all students with disabilities are eligible for special education. Section 504 protects eligible students with disabilities even when they are not eligible for special education.

Section 504 ensures that these students are able to access the *general education curriculum* and are not subject to discrimination because of their disability.

Where can I find more information?

The best resource for information about Section 504 is the designated 504 Coordinator at your student's school.

You can read more about the law online at the U.S. Department of Education's website:

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>

You can also contact the Section 504 Program team in the DCPS Central Office:

Phone: (202) 442-5471

Email: 504@dc.gov

What can I do if I have concerns about how the process has occurred at my student's school?

The best way to handle disagreements is by working directly with the 504 Team at your student's school.

You can obtain a copy of the DCPS 504 Grievance Process from your school's 504 Coordinator or by contacting the DCPS 504 Specialist.

The Grievance Process includes three steps:

1. Informal mediation with the principal,
2. Written grievance to the Section 504 Program Specialist, who will investigate and provide a written response,
3. Hearing before a grievance review panel.

You may also file a complaint with:

Office for Civil Rights / DC Office

U.S. Department of Education

400 Maryland Ave SW - Washington, DC 20202

Phone: (202) 453-6320

Email: OCR.DC@ed.gov

Online: www.ed.gov/OCR



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of the Chief of Schools

Information for Parents/
Guardians and Students:

Section 504

Section 504 is part of the
Rehabilitation Act of 1973,
which guarantees access to
education for students with
disabilities.

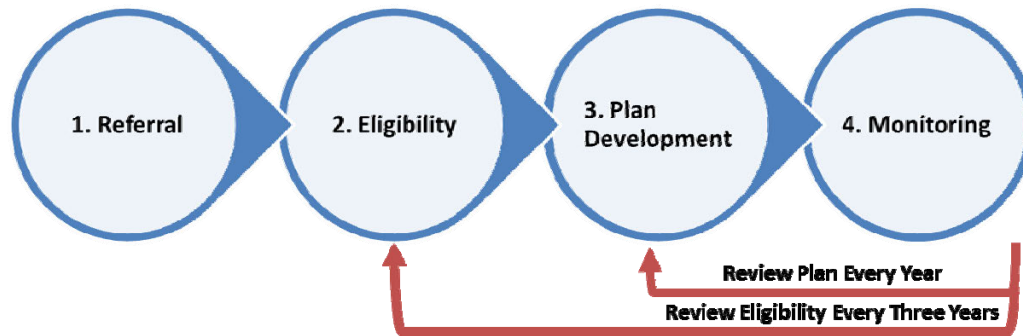
www.dcps.dc.gov/page/section-504

Updated April 2014

The Section 504 Program is named for Section 504 of the Rehabilitation Act of 1973, a federal law that requires public schools to provide reasonable accommodations to students with disabilities so that these students can access the school's general education curriculum and learning opportunities.

Because the Rehabilitation Act is an antidiscrimination law, Section 504 is focused on ensuring that students with disabilities are able to access the same DCPS curriculum and learning opportunities available to all students. Unlike special education, which is a separate program created by a different federal law, Section 504 does not provide specialized instruction or a different curriculum for eligible students. Instead, the Section 504 Program ensures that eligible students with disabilities receive the reasonable accommodations or services needed they need in order to access the DCPS curriculum and learning opportunities.

Section 504 Process in DCPS:



1. Referral:

Parents/Guardians are invited to complete a Section 504 Referral Form if they believe that their student has a physical or mental impairment that could make their student eligible for Section 504. Referral forms are available at your student's school.

2. Eligibility:

Once the referral form has been received by the school, the 504 Team will ask the parent/guardian to provide any medical documentation or additional information and invite the parent/guardian to attend a **504 Eligibility Meeting**. At the eligibility meeting, the team will review all available information and make determine whether the student is eligible for Section 504.

3. Plan Development:

If the student is determined to be eligible, the 504 Team, including the parent/guardian, will then write a 504 Plan for the student, describing the specific accommodations or services that the student needs in order to access the general education curriculum at the school.

4. Monitoring:

The 504 Team will meet annually to review the student's 504 Plan and determine whether any changes needed. Parents/Guardians can also request a meeting if they think that the 504 Plan needs to be reviewed or updated. In addition to reviewing the student's 504 Plan each year, the 504 Team will review the student's eligibility for Section 504 every three years.

Examples of physical impairments that *may* qualify a student for Section 504:

- Diabetes
- Cancer
- Severe Asthma
- Juvenile Arthritis
- Sickle Cell Disease
- Mobility difficulties due to an anatomical difference or loss

Examples of mental impairments that *may* qualify a student for Section 504:

- Anxiety Disorder
- Chronic Depression
- Eating Disorder
- Attention Deficit/Hyperactivity Disorder

Examples of major life activities that could be affected by an impairment:

- Caring for one's self
- Performing manual tasks
- Seeing
- Hearing
- Speaking
- Breathing
- Lifting
- Concentrating
- Communicating

The examples listed above are not an exhaustive list. Not all examples will be applicable to all students.

Each student will be evaluated individually by a team of knowledgeable individuals using available data.

Has this student already been evaluated for possible disabilities? Yes No

If yes, please explain and provide copies of the evaluations:

Has this student received special education services? Yes No

If yes, please explain:

Are you aware of any significant health or emotional traumas this student may have experienced? Yes No

If yes, please explain:

Please provide any additional information you have related to this student that would help the 504 Team determine what accommodations or related services may be necessary.

504 Coordinator's Name:

Date Received:

Section 504: Notice of Parent/Guardian and Student Rights

The following is a summary of the rights granted by Section 504 of the Rehabilitation Act ("Section 504") to parents/guardians and students who are identified as having a disability. The school district is obligated to inform you of decisions about your child and of your rights if you disagree with any of those decisions.

You have the right...

1. To have your child take part in, and receive benefits from, public education programs without discrimination because of his/her disability;
2. To have the school district advise you of your rights under federal law;
3. To receive notice from the school with respect to the identification, evaluation, educational program or placement of your child;
4. To have your child receive a free appropriate public education to include the right to be educated with non-disabled students to the maximum extent appropriate. It also includes the right to reasonable accommodations, modifications, and related aids and services necessary for your child to benefit from his or her educational program.
5. To have your child educated in comparable facilities and receive comparable services to those provided non-disabled students;
6. To have decisions regarding your child's evaluation, program and placement based upon a variety of information sources, and made by persons familiar with the student, the evaluation data, and the placement options;
7. To have your child re-evaluated periodically, to the extent necessary, including before any significant changes are made to your child's educational program or placement;
8. To have your child receive an equal opportunity to participate in extra-curricular school activities;
9. To examine all relevant educational records relating to decisions regarding your child's identification, evaluation, education program, and placement;
10. To obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. To receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;
12. To request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
13. To grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part.
14. To request an impartial hearing, to dispute decisions or actions regarding your child's identification, evaluation, educational program or placement as a student with a disability. You and your child may take part in the hearing and be represented by an attorney. Questions about how to request a hearing shall be forwarded to the person responsible for the district's compliance with Section 504 listed below;
15. To have the decisions made by hearing officers or others reviewed in state or federal court.

Who do I contact with questions or concerns?

Parents/guardians and students are encouraged to speak with their school-based 504 Coordinator or Principal. Parents/guardians and students can also contact the DCPS 504 Program team at **504@dc.gov** or **(202) 442-5471**.



Section 504 Eligibility

Student Name:	Student ID:
Today's Date:	
Current School:	Current Grade:

Purpose of Meeting

- Determine initial eligibility under Section 504
- Review eligibility under Section 504
- Review eligibility before a significant change in placement

Supporting Documentation

List the documents and information available during the meeting and used to determine eligibility:

- Grades/Attendance
- Standardized Test Scores
- Teacher/Staff Report
- Evaluation
- Health/Medical Records
- Letter/Report from Doctor
- Psycho-educational Evaluation
- Other: _____

Are all needed participants present for this meeting? Yes No

If yes, continue with the following sections to determine eligibility.
If no, determine who else is needed. Adjourn the meeting until all needed participants are available.

Is there enough information to make an eligibility decision? Yes No

If yes, continue with the following sections to determine eligibility.
If no, determine what additional information is needed. Adjourn the meeting until needed information is available.

Eligibility Determination

Answer the following questions to determine whether the student is eligible for Section 504.

1. Does the student have a physical or mental impairment? Yes No

“Physical or Mental Impairment” has a specific definition under the law.
See DCPS policy guidance for details.

Specify the physical or mental impairment:

2. Does the student’s physical or mental impairment substantially limit one or more major life activities?

Complete the chart on the following page to determine whether the student’s disability causes at least one major life activity to be restricted to a degree that is “substantial” or greater.

Life Activity	Restriction of Condition, Manner, or Duration in Performing the Activity					
Bending	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Breathing	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Caring for oneself	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Concentrating	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Communicating	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Eating	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Hearing	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Learning	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Lifting	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Operation of a major bodily function	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Performing manual tasks	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Reading	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Seeing	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Sleeping	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Speaking	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Standing	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Thinking	No Restriction []	Mild []	Moderate []	Substantial [x]	Severe []	Unable to perform []
Walking	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []
Working	No Restriction []	Mild []	Moderate []	Substantial []	Severe []	Unable to perform []

Based on the chart above, does the student's physical or mental impairment substantially limit one or more major life activities?
 No Yes

3. Based on answers to questions #1 and #2 above, is this student eligible for accommodations and/or related services under Section 504?

- No**, the student **does not have** a physical or mental impairment that substantially limits a major life activity. The student is not eligible for Section 504.

- Yes**, this student **has** a physical or mental impairment that substantially limits a major life activity and is eligible for Section 504.

Section 504 Coordinator: _____

Date: _____



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Section 504 Plan

Student Name:	Student ID:
Date:	

This cover page and all subsequent pages should be provided to each of the student's teachers and additional school staff as necessary.

504 Plan Details:

Specific Challenge	Accommodation or Strategy to Address Identified Challenge*	Person Responsible for Accommodation	Time and Location for Accommodation

Add additional rows if needed.

*What accommodations are necessary for the student to access the general education curriculum?

Testing Accommodations:

Classroom Tests and Quizzes: Does the student's disability make it necessary to provide accommodations during classroom tests and quizzes ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Accommodations:	

District-wide Assessments: Does the student's disability make it necessary to provide accommodations during district-wide testing ? (For example, the PARCC assessment.)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable												
<p>All page references are to the <i>PARCC Accessibility Features and Accommodations Manual</i>, Third Edition, November 2014. Available: http://bit.ly/nov2014parcc</p>													
<hr/> <p>Administrative Considerations: <i>(See page 26)</i></p> <p> <input type="checkbox"/> Small group testing <input type="checkbox"/> Adaptive/specialized equipment or furniture <input type="checkbox"/> Frequent breaks <input type="checkbox"/> Separate or alternate location (this is NOT individual testing) <input type="checkbox"/> Different time of day <input type="checkbox"/> Specified area or seating </p>													
<p>Accessibility Features: <i>(See pages 21 – 25)</i></p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 10%;">Item #</th> <th style="width: 80%;">Description</th> <th style="width: 10%; text-align: right;"><i>Add additional rows if needed.</i></th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Item #	Description	<i>Add additional rows if needed.</i>									
Item #	Description	<i>Add additional rows if needed.</i>											
<p>Presentation and Response Accommodations: <i>(See pages 31-36 and 37-42)</i></p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 10%;">Item #</th> <th style="width: 80%;">Description</th> <th style="width: 10%; text-align: right;"><i>Add additional rows if needed.</i></th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		Item #	Description	<i>Add additional rows if needed.</i>									
Item #	Description	<i>Add additional rows if needed.</i>											
<p>Timing and Scheduling Accommodations: <i>(See page 43)</i></p> <p><input type="checkbox"/> Extended Time</p>													
<hr/> <p>For PARCC and other district-wide assessments, the student will receive only the testing accommodations that are recorded in this section.</p> <p>If the student requires an accommodation during PARCC that is not listed in the <i>PARCC Accessibility Features and Accommodations Manual</i>, contact 504@dc.gov for more information.</p>													

Additional Considerations:

Related Services: Does the student’s disability require him or her to receive a related service in order to access the general education curriculum?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
<p>If answering Yes, the 504 team must ensure the following:</p> <ul style="list-style-type: none"> The relevant related service provider participated in the 504 team meeting and decision-making process. The relevant related service provider completed any/all required assessments or reviews prior to the 504 team deciding to prescribe the related service. The related service delivery, frequency, and goals/objectives are documented below. <p>Related Service: Delivery: <input type="checkbox"/> Consult <input type="checkbox"/> Direct service Frequency: <input type="checkbox"/> minutes per month</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr style="background-color: #e0e0e0;"> <th style="width: 5%; text-align: center;">#</th> <th style="width: 70%;">Goal / Objective</th> <th style="width: 25%;">Anticipated Date of Achievement</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td> </td> <td> </td> </tr> <tr> <td style="text-align: center;">2</td> <td> </td> <td> </td> </tr> <tr> <td style="text-align: center;">3</td> <td> </td> <td> </td> </tr> </tbody> </table> <p style="text-align: right; margin-top: 5px;"><i>Add additional rows if needed.</i></p>		#	Goal / Objective	Anticipated Date of Achievement	1			2			3		
#	Goal / Objective	Anticipated Date of Achievement											
1													
2													
3													

Transportation: Does the student’s disability require him or her to have access to school-provided transportation ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>To answer this question, use the Section 504 Transportation Worksheet.</p>	

Assistive Technology: Does the student’s disability require him or her to have access to school-provided assistive technology or alternative materials ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>Requests for school-provided assistive technology are processed through the Office of Specialized Instruction, Assistive Technology Team. Email contact: OSI.AT@dc.gov</p>	

Behavior Management: Does the student’s disability require accommodations to the regular behavior management system?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If the student has a <i>Behavior Intervention Plan</i> (BIP), attach a copy. If there is no BIP, use this section to list required accommodations to the regular behavior management system.</p> <p>Accommodations:</p>	

504 Plan Distribution

- This 504 Plan must be distributed to all school staff who typically work with the student as well as any substitute teachers.
- Upload this 504 Plan to the *504 Student Tracker*.

This 504 Plan has been distributed to the following individuals:

Name:	Role / Relationship to Student:	Date of Receipt

504 Coordinator Name: _____

Date: _____

**PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
SECTION 504 PLAN**

Name _____ Date _____

Student # _____ DOB _____

School _____ Grade _____

This Student has documentation supporting the following disability, which substantially limits one or more major life activities, including:

_____ (Disability)

_____ (Substantial life function/activity limited by the disability)

I. EVALUATION DATA: The following information was reviewed by the Section 504 Team on _____ (Date) (Include the date of the evaluation data)

Medical: _____ Anecdotal Reports: _____

Psychological: _____ Teacher Reports: _____

Student Records: _____ Formal Assessments: _____

Observations: _____

Other: _____

II. SECTION 504 TEAM MEMBERS

NAME	TITLE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Procedural Safeguards Submitted to Parent/Guardian on _____ (Date)

Date of Reevaluation: _____

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Section 504 Plan

Need Identified	Services/Accommodations	Frequency and location of Service (Duration)	Persons Responsible

PLACEMENT:

LEAST RESTRICTIVE ENVIRONMENT (LRE) – If the student will be removed from the general education environment for any or all of the school day, explain the extent of the removal and the reasons for the removal:

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
PROCEDURAL SAFEGUARDS: SECTION 504

The following is a description of the rights granted by Federal law to student with disabilities. You have the right to be fully informed concerning decisions about your child and of your options if you disagree with any of the Section 504 Team decisions. **You have the right to:**

1. Have your child take part in, and receive benefits from public education without discrimination because of his/her disability.
2. Have the school district advise you of your rights under Federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with students with disabilities to the maximum extent appropriate.
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
6. Have your child receive special education and related services if he/she is found to be eligible under Individuals with Disabilities Education Act (IDEA).
7. Have evaluation, educational, and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data, and placement options.
8. Have transportation provided to and from you child's placement if a necessary related service to the Section 504 plan.
9. Have your child given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
12. Have a response from the school district to reasonable requests for explanation and interpretations of your child's records.
13. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing requests must be made to the Section 504 Coordinator.
15. File a local grievance with the Section 504 Coordinator.
16. Request a review by the Regional Section 504 Review Panel which will review your complaint and render a decision on the matters raised in your complaint/grievance. Decisions of the Regional Section 504 Review Panel may be appealed to the Central Section 504 Review Panel. A Section 504 Review shall not delay or prevent you from filing an impartial due process appeal. A request for review by the Section 504 Panel shall be filed with the Section 504 Coordinator.

**PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
SECTION 504 PROCEDURAL SAFEGUARDS RECEIPT**

Student's Name _____

Date of Birth _____

School _____

My signature below indicates that I have received a copy of the Section 504 Procedural Safeguards.

Parent/Guardian Signature _____ Date _____

**PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
PARENT/GUARDIAN NOTIFICATION OF SECTION 504 MEETING**

Date: _____

Re: _____

School: _____

Dear _____:

A meeting will be held at _____ School on _____ at _____
_____ to discuss your child's needs. The Section 504 Team is comprised of
individuals knowledgeable about your child. The following checked item(s) may be
discussed at the meeting.

- _____ Section 504 Evaluation/Re-evaluation
- _____ Development of Section 504 Plan
- _____ Section 504 Plan Review
- _____ Progress Update
- _____ Other: _____
- _____
- _____

You may raise additional concerns with the Section 504 Team. We would appreciate it if
you would advise us prior to the meeting of the matters you would like discussed.

If you have any questions before the meeting, please feel free to contact

at (301) _____.

Sincerely,

**PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
SECTION 504 SUMMARY OF MEETING**

To the Parents/Guardians of: _____ Date of Meeting: _____
Student Number: _____ Date of Birth: _____
School: _____ Grade: _____

I. Purpose of the Meeting:

II. The Following Decisions Were Made:

III. Basis for the Decisions:

IV. Follow-up:

1. _____
2. _____
3. _____

V. Members Present:

<u>Name (Signatures)</u>	<u>Title</u>
_____	_____
_____	_____
_____	_____
_____	_____

Prince George's County Public Schools
Testing Accommodations for Section 504 Students

NAME _____ ID# _____ GRADE _____ DATE _____
SCHOOL _____

I. Scheduling Accommodations

- 1. Period or rest breaks.
- 2. Extra Response or processing time allowed.
- 3. Tests administered at best time of day for the student.
- 4. Tests regularly given in a single day session may be administered over multiple days within same total time allowances.
- 5. Other:

II. Setting Accommodations

- 1. Special seating in the classroom (front of room, carrel, etc.).
- 2. Adjusted grouping in the classroom.
- 3. An additional support person (instructional assistant, guidance, etc.).
- 4. Use of electronic devices (mechanical speller, word processor, computer, augmented communication device etc.).
- 5. Small group setting with a teacher or school support staff (Speech Pathologist, Guidance, etc.) as examiner.
- 6. Individual administration within the school.
- 7. Individual administration outside the school (home/hospital, etc.).
- 8. Other:

III. Equipment Accommodations

- 1. Large print test materials.
- 2. Braille test materials.
- 3. Calculator for math testing.
- 4. Use of electronic devices (mechanical speller, word processor, computer, augmented communication device etc.).
- 5. Bilingual dictionary which is provided for daily instruction.
- 6. Other:

IV. Presentation Accommodations

- 1. Repetition of directions.
- 2. Written copied of orally presented materials.
- 3. Accessibility to close caption or video materials.
- 4. Sign language interpreter, implications, or visual display for test directions.
- 5. Other:

V. Response Accommodations

- 1. For machine –scored test, students may mark answers in test booklet.
(Transfer to answer sheet completed by school personnel).
- 2. Student may indicate by pointing or other method.
- 3. Student may use word processor.
- 4. Student may tape responses for later verbatim transcription by school personnel.
- 5. Student may sign/give responses to an interpreter or designated transcriber.
- 6. Student may be test orally.
- 7. Other:

Parent/Guardian Signature

Date

School Administrator Signature

Date

NA = Not applicable and/or Not Yet Available. **Invalidated = Score invalidated in the scoring/data processing process.
Other = As proposed by the Local Accountability Coordinator (LAC), 504 Coordinator, and MSDE.*

Cc: File

Parent

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

SECTION 504 HEALTH/MEDICAL TRANSPORTATION ASSESSMENT

The parent is responsible for providing a physician's statement describing the child's condition and need for transportation to the school. **The physician's statement must be on the physician's letterhead. The school will attach to this form the physician's statement and mail and fax them to the Supervisor of Health Services at 301-749-4721** Transportation for siblings is not provided under Section 504. This transportation request is only for the current school year. The parent must make a new request by having the school complete a new form for each year. Once completed, Health Services will return this form to the sending school. Through the Interdisciplinary Team meeting process, the sending school will make the final determination for services in this area

OFFICE USE ONLY

Date Request received: _____ Date Medical Statement received: _____

Transportation started: No Yes Date: _____

SCHOOL COMPLETES SECTION I AND II

I: STUDENT INFORMATION

- 1 Student Name: _____ D O B _____
- 2 Student ID number: _____ Grade: _____
- 3 Parent/Guardian: _____
- 4 Address: _____
- 5 Home telephone number: _____ Work telephone number: _____
- 6 Name of School completing form: _____
- 7 School telephone number: _____
- 8 Date when child was made eligible under Section 504 through SIT/SST: _____
- 9 Date when the Section 504 Accessibility Plan was developed or last reviewed: _____
- 10 School where child is to be transported: _____
- 11 Is the school out of regular attendance area for the parent's address? No Yes
- 12 Is the address where the child is to be transported out of school's attendance area? No Yes
If yes, to #11 or #12, has the Transportation Office been consulted? No Yes
- 13 Transport to: _____
- 14 Transport from: _____

II: MEDICAL INFORMATION

- 1 What is the child's disability? _____
- 2 What are the student's suspected needs? _____
- 3 Is a copy of the physician's medical statement attached? No Yes

School contact person: _____ Position: _____

*Principal's Signature*_____
Date

Mail and FAX (301-749-4721) to Supervisor of Health Services for completion of Part III

III: HEALTH SERVICES

Recommendations and Comments: _____

*Supervisor of Health Services Signature*_____
Date

**PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
SECTION 504 MANIFESTATION MEETING
SUMMARY**

To the Parents/Guardians of: _____ Date of Meeting: _____
Student Number: _____ Date of Birth: _____
School: _____ Grade: _____

I. Purpose of the Meeting:

II. The Following Decisions Were Made:

III. Basis for the Decisions:

IV. Follow-up:

1. _____
2. _____
3. _____

V. Members Present:

<u>Name (Signatures)</u>	<u>Title</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Section 504 Evaluation Checklist

Please Print:

Student Name: _____ Grade: _____ Date: _____
 School: _____ Date of Birth: _____

Request Information

Students suspected of having a disability under Section 504 shall be referred to the Section 504 Team for an Evaluation. A member of the school staff, parents/guardians/surrogate parents, physicians, or appropriate agency representatives may make referrals to the Section 504 Team. The Evaluation meeting shall be held within 60 days after the request has been made to the school. (Administrative Procedure 5146, Section IV, Letter A)

The evaluation has been requested by whom: _____ Date of request _____

For the following reasons: _____

Meeting Information

Section 504 Team meeting date: _____

Participating Members:

The Section 504 Team shall be comprised of individuals knowledgeable about the student, the condition, evaluation procedures, and placement options. (Administrative Procedure 5146, Section IV, Letter C)

Name	Title
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Data Information Reviewed

In determining eligibility, the Section 504 Team shall consider multiple evaluative data including, but not limited to, assessments, student records, observations, anecdotal reports, teacher reports, medical information, physician's orders, emergency care plans, individual and group administered tests, achievement tests, and other data as appropriate. A physician diagnosis, alone, may not form the sole basis for finding a student disabled under Section 504. (Administrative Procedure 5146, Section IV, Letter E)

<input type="checkbox"/> Aptitude or achievement test	<input type="checkbox"/> Student health records	<input type="checkbox"/> Results of IEP decisions (if appropriate)
<input type="checkbox"/> Report cards	<input type="checkbox"/> Educational records	<input type="checkbox"/> Information from parents
<input type="checkbox"/> Teacher reports	<input type="checkbox"/> Medical records	<input type="checkbox"/> Other
<input type="checkbox"/> Observations	<input type="checkbox"/> Psychological reports	
<input type="checkbox"/> Student attendance	<input type="checkbox"/> Developmental reports	

Student Name: _____ Grade: _____ Date: _____

School: _____ Date of Birth: _____

Part I: Determination of Physical or Mental Impairment

A student is considered disabled under Section 504 if he/she: 1. Has physical or mental impairment which substantially limits one or more major activities. (Administrative Procedure 5146, Section III, Letter, B)

Check all that apply

A. Physical Impairment

1. The student has no physical impairment or condition
 a physical impairment or condition a cosmetic disfigurement an anatomical loss
2. If a student has a physical impairment or condition, what body system is affected?

<input type="checkbox"/> Neurological	<input type="checkbox"/> Digestive
<input type="checkbox"/> Musculoskeletal	<input type="checkbox"/> Genito-urinary
<input type="checkbox"/> Special sense organs	<input type="checkbox"/> Hemic and lymphatic
<input type="checkbox"/> Respiratory, including speech organ	<input type="checkbox"/> Skin
<input type="checkbox"/> Cardiovascular	<input type="checkbox"/> End

3. Identify the supporting documentation by title, author, and date, and attach copy.

_____ Title _____ Author _____ Date

B. Mental or Psychological Disorder:

1. The student has no mental or psychological disorder
 organic brain syndrome emotional or mental illness serious attentional problems
Specify the mental or psychological disorder _____

2. Identify the supporting documentation by title, author, and date, and attach a copy

_____ Title _____ Author _____ Date

(If there is an impairment proceed to Part II, if there is no physical, mental or psychological disorder the student does not qualify for a Section 504, proceed to Part IV)

Part II: Major Life Activity/Activities Affected by the Impairment

These include walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, and performing manual tasks. The disabling condition need only substantially limit one major life activity in order for the student to be eligible. (Administrative Procedure 5146, Section III, Letter, C)

A. If the student has been found (in Part I) to have either a physical or a mental impairment, check all the major life activities affected by the impairment:

Check all that apply:

<input type="checkbox"/> learning	<input type="checkbox"/> caring for oneself
<input type="checkbox"/> performing manual task	<input type="checkbox"/> walking
<input type="checkbox"/> seeing	<input type="checkbox"/> hearing
<input type="checkbox"/> speaking	<input type="checkbox"/> breathing
<input type="checkbox"/> working	<input type="checkbox"/> no major life activity is affected by the impairment

_____ Title _____ Author _____ Date

(If there is a major life activity impacted proceed to Part III, if no major life activity is affected by the impairment then the student does not qualify for a Section 504 Plan, move to Part IV)

Student Name: _____ **Grade:** _____ **Date:** _____
School: _____ **Date of Birth:** _____

Part III: Substantial Limitation

Section 504 protects all students with disabilities, defined as those “having any physical or mental impairment that substantially limits one or more major life activities (including learning)”. (Administrative Procedure 5146, Section II)

To find that a student who has a physical or mental impairment that affects a major life activity is eligible for services under Section 504, the Section 504 school-based team must find that the impairment “substantially limits” the major life activity.

“the terms ‘substantially and ‘major’ in the definition of disability under the ADA ‘need to be interpreted strictly to create a demanding standard for qualifying as disabled, ‘and that to be substantially limited in performing a major life activity under the ADA ‘an individual must have an impairment that prevents or severely restricts the individual from doing activities that are of central importance to most people’s daily lives’” (Americans with Disabilities Act Amendments Act of 2008, Section 2, letter b, number 4)

- A. Is the student able to access educational programs and activities without accommodations? ___ Yes ___ No
- B. Is the student unable to perform the major life activity identified in Part II? ___ Yes ___ No
- C. Is the student severely restricted as to the condition, manner, or duration under which he/she can perform the major life activity in Part II? ___ Yes ___ No

Part IV: Eligibility Determination

If the answer to either question B or C in Part III is “Yes,” the student must be found eligible under Section 504

Part V: Follow-Up

- A. For any student found eligible in part IV, the Section 504 school-based team develops a Section 504 plan to meet that student’s needs. A Section 504 Plan shall be developed as soon as possible, but in no case later than thirty (30) days after a student is identified as disabled under Section 504. The Section 504 team uses Attachment 1A and 1B to Administrative Procedure 5146
- B. For any student not found eligible under Section 504, the Section 504 team makes appropriate recommendations to address that student’s identified needs. These should be documented in the notes.
- C. The parents should be given a copy of the *Section 504 Procedural Safeguards*. (Attach the signed Section 504 Procedural Safeguards Receipt)

Comments:

Special Education and Section 504

Resources and Links

- ◆ **DCPS: Special Education Programs and Resources Guide for Families, SY 2017-2018 (March 2018)**
 - https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/Family%20Programs%20and%20Resources%20Guide%2017-18_1.pdf
 - This comprehensive document provides families details regarding DCPS's implementation of special education programming and services throughout DC Public Schools, including an overview of the special education process, the continuum of available services offered by DCPS, special education resources, and DCPS's Section 504 Program, as well as contact information for relevant persons/offices within the Division of Specialized Instruction.

- ◆ **DCPS: School Visitor Policy (January 2017)**
 - <https://dcps.dc.gov/publication/school-visitor-policy>
 - This policy explains DCPS's policies and procedures for school building visits and applies to the school building and all exterior grounds of the school, including the playground and any other buildings and areas on DCPS property.

- ◆ **DCPS: Section 504**
 - <https://dcps.dc.gov/page/section-504>
 - This website provides an overview of Section 504 of the Rehabilitation Act of 1973 and DCPS's practices regarding 504 plans, including the accommodations and related services eligible to students with disabilities who qualify as eligible for services under Section 504. The left column of this website includes subsections linking to the DCPS's Section 504 Process, Resources (including referral forms and parent brochures), and Contact Information for persons within DCPS who are relevant to the 504 process.

- ◆ **OSSE: Child Find Policies and Procedures**
 - <https://osse.dc.gov/page/child-find-and-initial-evaluation-resources>
 - This website links to OSSE's policies regarding the District's comprehensive child find system for children from birth through age 21, as required in IDEA, its implementing regulations, the District of Columbia Code, and Title 5 of the District of Columbia Municipal Regulations (DCMR). Portions of The Enhanced Special Education Services Act of 2014 took effect in July 2018, and include shorter evaluation timelines for children who are referred for a special education evaluation.

- ◆ **OSSE: Educational Surrogate Parent Program**
 - <https://osse.dc.gov/service/educational-surrogate-parent-program>
 - The Individuals with Disabilities Education Act requires that an Educational Surrogate Parent be appointed to ensure the rights of a child with a disability, or a child suspected of having a disability, when: 1) no parent, as defined by IDEA, can be identified; (2) a public agency, after reasonable efforts, cannot locate a parent; 3) the child is a ward of the District; or 4) the child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance

Act. OSSE's Educational Surrogate Parent Program appoints trained volunteers to act as special education decision-makers for students who do not have a "parent" meeting the requirements of federal and local special education laws. This website links to the referral form that should be submitted by individuals seeking the appointment of a surrogate educational decision-maker.

◆ **OSSE: Education Decision-Making & Transfer of Rights for Students Age 18 and Older**

- <https://osse.dc.gov/service/education-decision-making>
- This website links to OSSE's website providing an overview of supported decision-making and appointment of an educational representative for a student who has reached age 18. The website includes links to OSSE's approved forms regarding supported decision-making, as well as professional certification forms when students are unable to make their own educational decisions.

◆ **OSSE: Non-Regulatory Guidance: Extended School Year (ESY) Services (February 2012)**

- https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/ESY%20Certification%20Frequently%20Asked%20Questions_Guidance_v.2.2012_0.pdf
- The purpose of this guidance is to clarify to parents the responsibility of the LEA in making appropriate ESY eligibility determinations and service designations for all student with IEPs and to provide additional clarification to assist LEAs in implementing the policy consistent with the IDEIA. This guidance serves as a compliment to OSSE's Memorandum Regarding ESY Services Policy.

◆ **OSSE: Memorandum Regarding Extended School Year (ESY) Services Policy (March 2011)**

- <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Extended%20School%20Year%20%28ESY%29%20Services%20Policy.pdf>
- The purpose of this Memorandum is to establish state-level standards and criteria for extended school year (ESY) services that are consistent with the IDEIA requirement to provide FAPE to all students with disabilities. OSSE expects that all LEAs implement this policy to support IEP teams in making appropriate ESY eligibility determinations and service designations.

◆ **OSSE: Memorandum Regarding IEP Amendment Policy (January 2014)**

- https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Final_IEP%20Amendment%20Policy_01272014_0.pdf
- The purposed of this Memorandum is to provide guidance and establish state-level parameters for utilizing the documented written agreement amendment modality to amend IEPs. OSSE expects that all LEAs and public agencies serving students with disabilities adhere to this policy.

◆ **OSSE: Non-Regulatory Guidance Regarding IEP Amendment Policy (March 2014)**

- <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/FINAL%20IEP%20Amendment%20FAQ%202.24.14.pdf>
- This document provides additional guidance regarding the requirements LEAs must follow when initiating, responding to, and documenting proposals for IEP amendments.

- ◆ **OSSE: Memorandum regarding IEP Process Policy (August 2011)**
 - <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/FINAL%20IEP%20Process%20Policy%20and%20Memo.pdf>
 - The purpose of this Memorandum is to assist LEAs with the implementation of the Part B requirements of the IDEA regarding IEPs. OSSE expects that all LEAs ensure that IEP teams engage annually in the IEP process to develop compliant IEPs that are timely and include the participation of all appropriate IEP Team members. This memorandum was issued in August 2011.

- ◆ **OSSE: Least Restrictive Environment Toolkit (January 2011)**
 - <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/OSSE%20DSE%20LRE%20TOOLKIT%2001%2011.pdf>
 - This document is OSSE's guide to DC LEAs to ensure LEAs are well-versed in the IDEA's mandates for children to be educated in the least restrictive environment.

- ◆ **OSSE: Memorandum regarding Policies and Procedures for Placement Review (December 2011)**
 - <https://osse.dc.gov/publication/policies-and-procedures-placement-review>
 - This memorandum clarifies OSSE's expectations regarding changes to a child's placement to a more restrictive environment as outlined in the IDEA and relevant DC laws.

- ◆ **OSSE: Memorandum regarding Prohibition on Mandatory Medication Guidance (June 2010)**
 - <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Prohibition%20on%20Mandatory%20Medication%20Guidance%20-%20FINAL%20June%202%2C%202010.pdf>
 - This memorandum clarifies OSSE's expectations that all students with disabilities in DC have access to FAPE, as outlined in the requirements of the IDEA, without regard to parental or adult student decisions about medication; LEAs are prohibited from conditioning the provision of an evaluation, reevaluation, or services upon a parent's decision to medicate a student.

- ◆ **OSSE: Memorandum of Guidance Related to Prohibitions on Discrimination Against Children with Disabilities in the Charter School Application During the Enrollment Process (March 2009)**
 - <https://osse.dc.gov/publication/prohibitions-discrimination-against-children-disabilities-charter-school-application>
 - This memorandum reiterates that all DC charter schools, as LEAs, are bound by the same laws as other publicly funded schools and cannot discriminate against children on the basis of their disability status.

- ◆ **OSSE: Related Services Policy (January 2010)**
 - <https://osse.dc.gov/publication/related-services-policy-final-january-5-2010>
 - This guidance confirms the role and responsibilities of an LEA in providing related services to students with disabilities in accordance with their IEPs. This guidance provides additional clarification to assist LEAs in designating and implementing related services in a manner consistent with the IDEA and relevant District of Columbia laws.

- ◆ **OSSE: The District of Columbia Secondary Transition Website**
 - <http://www.ossesecondarytransition.org/>
 - This comprehensive website provides resources and links to other District agencies supporting students in secondary transitions, including links to resources pertaining to student-led IEP processes. As of August 2018, many of the documents available through this website had not been updated to account for the earlier post-secondary transition planning requirements authorized through the Enhanced Special Education Services Act of 2014, which took effect as of July 1, 2018.

- ◆ **OSSE: Secondary Transition Process Toolkit (November 2013)**
 - https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Secondary%20Transition%20Process%20Toolkit_v.November%202013.pdf
 - This website links to OSSE's toolkit for educators responsible for addressing the transition planning needs of students with disabilities who are preparing to transition from high school to postsecondary employment, education/training, and independent living. As of August 2018, many of the documents available through this website had not been updated to account for the earlier post-secondary transition planning requirements authorized through the Enhanced Special Education Services Act of 2014 and which took effect as of July 1, 2018.

- ◆ **OSSE: 2018 Secondary Transition Institute Resources (June 2018)**
 - <https://osse.dc.gov/page/secondary-transition-institute-resources>
 - This website links to an array of OSSE policies and resources related to secondary transitions for students with disabilities.

- ◆ **OSSE: Special Education Transportation Policy and Memo (2014)**
 - <https://osse.dc.gov/publication/special-education-transportation-services-policy>
 - The policy establishes a uniform system of standards and procedures for special education transportation services in DC that is consistent with the IDEIA requirement to provide FAPE to all students with disabilities. OSSE Department of Transportation (DOT) shall provide special education transportation services to students with disabilities when transportation is appropriately identified and documented on an IEP as a related service under the IDEA.

- ◆ **OSSE DOT: Student Transportation**
 - <https://osse.dc.gov/service/student-transportation-osse-dot>
 - This website serves as OSSE's clearinghouse for all information related to transportation for students with special education needs. The website includes resources for parents and stakeholders, as well as contact information for the Parent Resource Center and links to various transportation-related policies and services.

- ◆ **OSSE: Rights of Parents of Students with Disabilities: IDEA Part B Notice of Procedural Rights Safeguards (March 2016)**
 - <https://osse.dc.gov/publication/rights-parents-students-disabilities-idea-part-b-notice-procedural-safeguards>
 - This document links to OSSE's Procedural Safeguards Notice, as required by the IDEIA and District of Columbia laws regarding special education.

- ◆ **PGCPS Administrative Procedure 5146, Procedural Guidelines for Students Disabled Under Section 504 of Rehabilitation Act of 1973 (September 2017)**
 - <https://www1.pgcps.org/WorkArea/DownloadAsset.aspx?id=161584>
 - This procedure provides PGCPS's guidelines for the evaluations, identification, and provision of services to students with disabilities under Section 504 of the Rehabilitation Act of 1973.

- ◆ **PGCPS Office of 504 Services**
 - <http://www.pgcps.org/504/>
 - This website links to PGCPS's Office of 504 Services.

Dispute Resolution – Due Process and Other Complaints Overview

This section contains information and resources on the federal and state legal mechanisms you can use to protect your client's special education and other rights (such as the right not to be discriminated against based on gender, age, or disability). While these materials focus primarily on mechanisms that pertain to District residents and wards, some Maryland resources are provided as well.

Methods of dispute resolution that are discussed include: due process, mediation, state and Section 504 complaints, in addition to complaints through the Office of Civil Rights (OCR) and other formal grievances. Tip sheets are included on each of these types of complaints, as well as resources to support you in pursuing these complaints. Note, however, that none of these materials should supplant a strategic discussion with your client regarding the type of legal action to pursue, especially given that, in many cases, filing one complaint will preclude or stall pursuit of relief in another forum. Please consult the information sheet in this section that provides a table of the types of dispute resolution available (and when each might be sought).

This section of the practice kit also includes tip sheets for each complaint process, citations to basic form documents to initiate complaints, and references to additional resources that may be helpful in pursuing dispute resolution on behalf of a student.

Attorneys planning to litigate a due process hearing or other methods of dispute resolution may also wish to consult the Children's Law Center's Pro Bono Special Education Resource Manual, located at <https://www.childrenslawcenter.org/resource/special-education-pro-bono-attorney-training-manual-2018>.

Federal Regulations

- [34 C.F.R. § 300.507](#) (procedures for filing a due process complaint)
- [34 C.F.R. § 300.153](#) (procedures for filing a state complaint)

Local/State Law & Regulations

- [D.C. Mun. Regs. tit. 5-E § 3029.1](#) (DC due process complaint regulations)
- [D.C. Mun. Regs. tit. 5-B § 2405](#) (DC student grievance regulations)
- [D.C. Code §§ 2-1401.01 – 2-1404.04](#) (DC Human Rights Law)
- [Md. Code Regs. 13A.05.01.15](#) (MD due process complaint regulations)

Additional Helpful Resources

- <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html> - for information about how to file an OCR Complaint
- <http://ohr.dc.gov/complaint> - for information about how to file a Discrimination Complaint under DC's Human Rights Act

CLC Information Sheet: Types of Dispute Resolution in DC

Complaint Type	Who can file?	What can you file on?	What is the process for resolving the dispute once the complaint is filed?	What relief is available?	What is the statute of limitations?	How long does it take?
Due Process Complaint	Parent or educational decision-maker (<i>pro se</i> or through counsel); adult student (age 18 or older); Local Education Agency.	Disputes between the educational decision-maker and education agency over anything related to a child's identification, evaluation, IEP development or placement under IDEIA.	Administrative hearing before an impartial hearing officer.	No damages, but the hearing officer has broad discretion to award services (including placement in another school program).	Two years, but longer if there is demonstrable fraud.	Hearing officer's decision must be issued within 75 days of the filing of the complaint.
State Complaint	Anyone (parent, agency, concerned citizen).	Same as due process complaints; but state complaints can also be filed to challenge systemic failures (e.g., school that uses inappropriate restraint tactics).	State Agency (OSSE) investigates and issues a written report.	If the State Agency finds that there are violations, they issue a corrective action plan as part of their written recommendation. This can include requests that the non-compliant agency fund services, develop new policies etc.	One year.	OSSE has 60 days to complete the investigation and issue a decision, but can grant itself a continuance. Additionally, mediation may extend the timeline.

<p>Special Education Mediation</p>	<p>Parent or educational decision-maker (<i>pro se</i> or through counsel); adult student (age 18 or older); Local Education Agency.</p>	<p>Any dispute between parents or educational decision-makers regarding issues under Part B and Part C of the IDEA. <i>See</i> 34 C.F.R. § 300.506.</p>	<p>It's a voluntary process – not used to deny or delay a parent's right to due process hearing. The mediator (neutral third-party) attempts to resolve the dispute by facilitating discussion between the parties.</p>	<p>It is the parties, who decide how to resolve the dispute. If the parties can reach agreement, a legally binding written agreement resolving some or all of the issues will be developed and signed by the parent and a representative of the agency who has the authority to bind the agency. If an agreement is not reached in mediation, and the parties agree that additional sessions will not resolve the dispute, the mediation case is closed.</p> <p>By law, a written, signed mediation agreement of the parties is enforceable in any state court of competent jurisdiction, or in a district court of the United States. In addition, OSSE will investigate a state complaint alleging failure to implement a mediation agreement that resolved a due process complaint.</p>	<p>Two years.</p>	<p>Depends on how many mediations are scheduled.</p>
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Complaint Type	Who can file?	What can you file on?	What is the process for resolving the dispute once the complaint is filed?	What relief is available?	What is the statute of limitations?	How long does it take?
Formal Grievances	Student, or parent or other individual on behalf of the student.	Violations of Section 504, Title II of American Disabilities Act (prohibits disability discrimination), Title IX of Education Amendments (sex), Title VI of Civil Rights Act (race, color, national origin), DC Human Rights Law, Age Discrimination Act of 1975, and also applies in situations described in D.C. Mun. Regs. tit. 5-B, § 2405, and “any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.”	The grievance process provides a three-tiered investigative review (where the grievant can appeal at each stage), and a final review before a grievance review panel of three. <i>See</i> D.C. Mun. Regs. tit. 5-B, § 2405.	The regulations only discuss resolution of the complaint (and not specific types of relief available). However, in practice, grievances have been used to request, among other things: firing or training of staff, failure to respond to school transfer requests (with the transfer requested as relief).	No statute of limitations is given in the grievance procedures for the initial grievance, but review the regulations for appeal timelines.	Each tier of investigation has a ten day window to complete the investigation and propose resolution.

Complaint Type	Who can file?	What can you file on?	What is the process for resolving the dispute once the complaint is filed?	What relief is available?	What is the statute of limitations?	How long does it take?
Complaints with the U.S. Department of Education, Office for Civil Rights	A victim of the discrimination or someone complaining about the discrimination on behalf of an individual or group.	Discrimination on the basis of race, color, national origin, sex, disability or age by an educational institution that receives federal funding.	OCR conducts an investigation of the allegations as a neutral fact-finder.	OCR issues a Letter of Findings after the investigation and if it is determined that a party failed to comply with a civil rights law OCR enforces, OCR will attempt to secure the party's willingness to negotiate a voluntary resolution agreement; if the party refuses to negotiate a resolution agreement, OCR will issue a Letter of Impending Enforcement Action and may initiate administrative enforcement proceedings to suspend, terminate or refuse to grant federal financial assistance to the school or refer the case to the Department of Justice.	No more than 180 calendar days (6 months) from when the incident occurred.	Generally takes up to 6 months for OCR to investigate the complaint and issue a Letter of Findings.

CLC Tip Sheet

DC Administrative Due Process Hearings

Who Can File A Due Process Complaint?

The educational decision maker (usually a parent), or the educational agency for a child (schools), can file a due process complaint over any dispute between the educational decision maker and the educational agency related to the identification, assessment, Individualized Education Program (IEP) or placement of a student (essentially any disputes over service provision under the Individual with Disabilities Education Improvement Act (IDEIA)).

Wait ... Schools Can File Due Process Complaints Against Parents?

Yes, although this is unusual. As an example, schools sometimes will file due process complaints against parents where a parent has requested an independent evaluation and the school refuses to authorize it, and where the school wants a child to move to a more restrictive school placement and the parent disagrees.

Do You Need a Lawyer to File a Due Process Complaint?

Technically no. However, given the highly nuanced and technical provisions of the IDEIA, it is often helpful to be represented by an attorney who has experience practicing in this area of the law.

The DOs and DON'Ts of Due Process Complaints and Hearings

- **DO** make sure that your complaint contains all of the information requested by the due process complaint form (either include your complaint in the form, or fill out the form and attach it).
- **DON'T** provide only minimal details in your complaint if you can help it. The Hearing Officer does not receive school records in advance of a hearing, so you want to make as compelling a case as possible from the start. However, an important caveat is necessary to mention:
- **DON'T** plead facts in a due process complaint unless you are *absolutely* sure that you can prove them at a hearing using multiple sources of evidence. Witnesses can disappear or become unavailable so don't plead facts you can only prove through testimony.
- **DO** put the due process complaint timeline on your calendar and keep track of it once you have filed. You can calculate deadlines using an internet resource by searching for a "date calculator" or other internet resources (for timelines, please see the information sheet in this Practice Kit). You can ask for sanctions where the other party fails to comply with timelines, but keep in mind you also can be sanctioned if you miss them.

- **DO** be extra careful when calculating the deadline for disclosures. Federal and local holidays (e.g., Emancipation Day in DC) can truncate your timeline.
- **DO** prepare carefully for the Pre-Hearing Conference. Make sure you can answer all of the questions on the Pre-Hearing Conference check list (including student ID number, the names of your witnesses and what they will testify to) and review closely each of the presumptions listed to make sure you agree with them.
- **DO** use the Pre-Hearing Conference to address logistical or evidentiary issues, including concerns about records or witnesses not being provided, and to confirm disclosure and motion deadlines as well as the manner of service (e.g., electronic versus facsimile).
- **DON'T** assume witnesses can testify by telephone. You should be able to confirm at the Pre-Hearing Conference which witnesses are available to testify in person or by phone and that the Hearing Officer will allow telephone testimony when requested.
- **DO** make sure your witnesses have copies of all the disclosures (yours AND the school's) before the hearing. Witnesses testifying by telephone are often barred from testifying if they don't have the disclosures available to reference when necessary.
- **DON'T** assume the hearing will start on time (in terms of scheduling witness testimony). Preliminary matters can take any time from ten minutes to over an hour. Ask your witnesses to have a window of time when they can be available so you don't lose the opportunity to present important testimony if the hearing is not on schedule.

I'm a GAL Representing a Student Who Needs Special Education Services. What Can I Do to Help?

- **IF THE CHILD'S PARENT HAS A SPECIAL EDUCATION ATTORNEY AND IS PURSUING DUE PROCESS:** Reach out to the attorney and see if there is any assistance you can provide in preparing for the due process hearing, or if you might be able to serve as a witness. While it may not be appropriate for some attorneys to testify or they may need to give very limited testimony (e.g., juvenile defense attorneys), GALs can often be very helpful witnesses and provide context to the Hearing Officer about the child's history and service needs.
- **IF THERE ISN'T A SPECIAL EDUCATION ATTORNEY INVOLVED:** You may want to consider requesting a special education attorney be appointed in the child's neglect case if there is an educational decision-maker identified. Please visit the Educational Decision-Makers section of this Practice Kit for more information.

CLC Tip Sheet

Filing State Complaints

What is a State Complaint?

- A state complaint is a written request that the state education agency investigate violations of the Individuals with Disabilities Education Act (IDEIA) or alleged violations of the special education services provided to children in the District of Columbia.
- In the District, state complaints are filed with DC's state education agency, the Office of the State Superintendent of Education (OSSE), which is then charged with investigating the complaint and issuing a Letter of Determination with findings and/or a corrective action plan to remediate the issue if noncompliance is found.

Who Can File A State Complaint?

- Any individual or organization may submit a state complaint that alleges any District of Columbia public agency has failed to comply with a requirement of the IDEA or the District's laws and regulations regarding special education, including the identification, evaluation, and educational placement of the child or the provision of a Free and Appropriate Public Education (FAPE) to such child.
- Requirements for filing a state complaint are set forth at 34 C.F.R. §§ 300.151-.153 and 34 C.F.R. § 303.432-.434.

What is the process for filing a State Complaint?

- A signed, written complaint can be mailed, emailed (electronic signatures not accepted), or faxed to the State Complaint Office (SCO) within OSSE.
 - The SCO has a model complaint form - <https://osse.dc.gov/publication/specialized-education-state-complaints-form>
 - The complaint must include: a statement that public agency violated the requirements of the IDEA; the facts supporting this statement; signature and contact information for the complainant; and if alleging violations regarding a specific child then the name and address of the child as well as the school he or she attends and a description of the problem including facts and a proposed resolution to the problem. 34 C.F.R. § 300.153(b).
 - For Part C complaints, there are similar requirements for the complaint. *See* 34 C.F.R. § 303.434(b).
 - The SCO will not investigate alleged violation(s) that occurred more than 1 year prior to the date that SCO received the complaint. 34 C.F.R. § 300.153(c).
 - For Part C complaints, the one-year limitation is not applicable. *See OSSE's District of Columbia Formal State Complaint Policy and Procedures*, <https://osse.dc.gov/publication/specialized-education-state-complaints-policy-and-procedure>
 - The party or organization filing the complaint must forward a copy of it to the LEA or public agency responsible for serving the child at the same time the party files the complaint with the SCO. 34 C.F.R. § 300.153(d).
 - For complaints regarding Part C, the complaint must be forwarded to the public agency or private service provider serving the child.

- Once you have filed a state complaint, the SCO has a maximum of 60 days to investigate the allegation(s) and issue a final written decision including findings of fact and conclusion as well as reasons for the SCO's final decision.
 - The SCO assigns an investigator, who will determine if an investigation will be completed or not.
 - If an investigation will not be completed, then the SCO sends notice to the complainant and relevant public agency or private service provider.
 - If the investigation will be completed, then the SCO sends written notice of receipt of the complaint to the complainant and public agency or private service provider.
 - The complainant and public agency or private service provider can submit additional information either orally or in writing. 34 C.F.R. § 300.152(a)(2-3); 34 C.F.R. § 303.433(a).
 - The public agency or private service provider must provide a written response to the SCP within 10 business days of receipt of the complaint.
 - The public agency or private service provider can submit a proposal to resolve the complaint. 34 C.F.R. § 300.152(a)(3)(i); 34 C.F.R. § 303.433(a)(3)(i).
 - The complainant and public agency or private service provider need to be given an opportunity to voluntarily agree to mediate. 34 C.F.R. § 300.152(a)(3)(ii); 34 C.F.R. § 303.433(a)(3)(ii).
- The SCO is responsible for tracking and ensuring that the final written decision is enforced.

What Are the Advantages of Filing a State Complaint Instead of a Due Process Complaint?

- No evidentiary hearing – it may be a good alternative for clients with limited time or who are nervous about testifying;
- Can be used to address systemic issues – one complaint may address the same problem with noncompliance for multiple students; and
- Relief can include orders that a public agency must take certain remedial action to address violations.

What are the Disadvantages of Filing a State Complaint Instead of a Due Process Complaint?

- Longer and more flexible timeline (a decision, or Letter of Determination, generally must be issued within 60 days of the Complaint being filed, but OSSE can request an extension to the 60-day timeline) so relief may be delayed;
- The statute of limitations for alleging violations is generally one year as opposed to two years;
- OSSE conducts an investigation (as opposed to an evidentiary hearing) so the filer has less control over what information is reviewed;
- Decisions are public and may be considered authoritative for substantive non-related proceedings, so if you lose on a systemic issue, it may hurt other students; and
- No clear appeal process.

Can I File Both a State Complaint and a Due Process Complaint at the same time?

Yes, but if a due process complaint is pending, OSSE will toll the investigation on the state complaint until the due process complaint has been adjudicated.

The DOs and DON'Ts of State Complaints

- DO make sure your complaint contains all of the information requested by the form.
- DO provide specific information where available and appropriate to assist OSSE with the investigation (e.g., school years, names of individuals spoken with or involved, case numbers of prior due process hearings where applicable).
- DO attach exhibits (school records, evaluations, affidavits, correspondence) where helpful to expedite the investigation.
- DON'T file a state complaint if you have already lost a due process hearing on the same case. Due process complaint holdings are binding on state complaints.

CLC Tip Sheet: Filing Complaint with U.S. Department of Education Office for Civil Rights (“OCR Complaints”)

What is an OCR Complaint?

A person can file an OCR complaint with the U.S. Department of Education Office for Civil Rights where that person believes that an educational institution that receives federal funding is discriminating against someone on the basis of race, color, national origin, sex, disability or age. An OCR complaint can be filed by the victim of such discrimination, or by someone complaining on behalf of another person or group.

Examples of when you might file an OCR Complaint:

- To allege that a school's policy that all students who have repeated the 9th grade once must attend specialized programs has a disparate impact on students with disabilities.
- To allege that a school's failure in handling sexual violence allegations discriminated on the basis of gender.
- To allege that a school has failed to create or implement a 504 plan.

What is the process for filing an OCR Complaint?

- File the Complaint: Contact a local OCR office or file a complaint online. Information for both is available at <http://www2.ed.gov/about/offices/list/ocr/index.html>.
- Evaluation of the Complaint: OCR evaluates the complaint (and each allegation contained therein) to determine whether OCR has the legal authority to investigate the complaint. Based on that evaluation, OCR will either dismiss the complaint or open the complaint for investigation.
 - NOTE – in certain cases, OCR may contact the complainant to request more information. The complainant is then granted 20 calendar days to respond to OCR’s request.
- Opening of an Investigation: If OCR determines it will investigate, it issues letters of notification to the complainant and the respondent. During the investigation, OCR serves as a neutral fact-finder and uses such fact-finding techniques as reviewing documentary evidence submitted by both parties, conducting interviews with the complainant, the respondent and other sources as appropriate and/or conducting site visits.
- Issuing a Letter of Findings: At the conclusion of the investigation, OCR will issue a letter of findings which contains fact-specific investigative findings with respect to each allegation in the complaint.
- Efforts to Resolve the Complaint after a Determination of Noncompliance: If OCR determines that the recipient failed to comply with one of the civil rights laws that OCR enforces, it will contact the recipient and attempt to secure their participation in a voluntary resolution agreement. If the recipient refuses to negotiate a voluntary resolution agreement, OCR will inform the recipient that it has 30 days to indicate its willingness to engage in negotiations or OCR will issue a Letter of Finding to the parties providing a factual and legal basis for noncompliance.

- **Final OCR Action:** If after the Letter of Finding is issued, the recipient continues to refuse to negotiate, OCR will issue a Letter of Impending Enforcement Action and try again to get voluntary compliance. If those efforts fail, OCR will either initiate administrative enforcement proceedings to suspend, terminate, or refuse to grant or continue federal financial assistance to the respondent, or will refer the case to the Department of Justice for further legal action.

Does filing an OCR Complaint affect an individual's right to file other types of complaint?

Yes. You cannot file a complaint with OCR if you are in the process of addressing the issues raised in your complaint with another agency, or through a school's grievance procedure "if OCR anticipates that agency that you filed with will provide you with a resolution process comparable to OCR's." You can refile your complaint with OCR after the other complaint process has completed, but OCR will independently determine whether or not to defer to the prior adjudication (but a prior adjudication is not *de facto* binding on the OCR complaint process).

Tips on filing an OCR Complaint

- Keep track of your timeline! OCR has a relatively short statutes of limitations — violations must have taken place within 180 calendar days of filing your complaint.
- Follow up with OCR to check on the status of the resolution process and remind them of their ability to take further legal action if the school continues to refuse to negotiate a resolution agreement.

CLC Tip Sheet

Formal Grievances in the District of Columbia

What is a Formal Grievance?

A grievance is a complaint that can be filed directly with a local school or instructional superintendent when there has been a violation of one or more of several federal and District laws, including:

- Section 504 of the Rehabilitation Act of 1973 (prohibits discrimination based on individuals' disability) (*see* 29 U.S.C. §§ 701-797);
- Title II of the Americans with Disabilities Act (prohibits discrimination against individuals with disabilities) (42 U.S.C. §§ 12101-12213);
- Title IX of the Education Amendments Act of 1972 (prohibits discrimination based sex) (*see* 20 U.S.C. §§ 1681-1688);
- Title VI of the Civil Rights Act of 1964 (prohibits discrimination based on race, color or national origin) (*see* 42 U.S.C. § 2000d);
- The Age Discrimination Act of 1975 (prohibits discrimination based on age in employment) (*see* 42 U.S.C. §§ 6101-6107); and
- The District of Columbia Human Rights Law (prohibits discrimination based on race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, familial responsibilities, matriculation, political affiliation, disability, source of income, and place of residence or business) (*see* D.C. Code §§ 2-1401.01 to -1404.04).

The Student Grievance Procedure described in D.C. Mun. Regs. 5-B, § 2405 also includes a “catch all” provision that applies to bullying or harassment, including sexual harassment, denial of educational opportunity for a student or group, denial or abridgment of a student’s rights or “any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided in this title.” D.C. Mun. Regs. 5-B, § 2405.2.

This Student Grievance Procedure **DOES NOT APPLY** to appeals of suspensions or expulsions, because those procedures are covered in Chapter B-25 of the DCMR. *See* D.C. Mun. Regs. 5-B, § 2405.3. (Refer to the section of this Toolkit discussing school discipline).

When Might You File a Grievance?

- When a school fails to follow its own bullying policy or intervene as requested in response to a report of bullying (e.g., parent requests a safety transfer and school fails to respond);
- When a school unfairly penalizes a parenting or pregnant teen for excused absences related to pregnancy (which equals discrimination under Title IX); or

- When a teacher makes inappropriate comments to a student (e.g., calling a student a homophobic slur, or making sexually inappropriate comments to a student).

Who Can File A Grievance?

The student may file a grievance on his or her own behalf, or the parent or guardian of the aggrieved student may file a grievance on the student's behalf. *See* D.C. Mun. Regs. 5-B, § 2405.4.

Does Filing a Grievance Impact My Right to File Other Types of Complaints?

No. You can file a grievance and still file other kinds of complaints in other forums. However, it is possible that if the resolution of the grievance is still pending other forums may wait for the adjudication of the grievance before processing your additional complaint.

The DOs and DON'Ts of Formal Grievances

- **DO** read the grievance procedure in its entirety before filing a grievance. In particular, D.C. Mun. Regs. 5-B, §§ 2405.4 and 2405.5 provides specific information as to what a grievance should contain, and what the investigation process is once a grievance has been filed.
- **DON'T** file your grievance with the school principal if the principal is referenced in your complaint, or if the principal knew about the subject of the grievance and failed to intervene. D.C. Mun. Regs. 5-B, §§ 2405.4 (b) and 2405.5 (e) allow you to file directly with the instructional superintendent.
- **DO** provide legal citations for your allegations where applicable (which rights are violated), as well as specific factual information when you have it. As an example, in a case of gender-based bullying in which students have called another student sexually derogatory names, an appropriate grievance may allege violations of the Student Bill of Rights, the "catch-all" bullying provision, and Title IX.
- **DO** keep track of the grievance timelines and follow up when they are not being adhered to.
- **DO** consider involving other community stakeholders when helpful and applicable. For instance, it may be useful to copy Suzanne Greenfield, Director of the Citywide Bullying Prevention Program, on a grievance regarding bullying that has not been remediated. (See contact information in the Toolkit section on Bullying.)

Dispute Resolution

Resources and Links

- ◆ **OSSE: Office of Dispute Resolution Student Hearing Office Due Process Hearing Standard Operating Procedures**
 - <https://osse.dc.gov/service/request-due-process-hearing>
 - The IDEIA requires each state and the District of Columbia to establish and maintain procedures to ensure that parents and children with disabilities have an opportunity to seek mediation and/or an impartial due process hearing to resolve disagreements over the identification, evaluation, educational placement, or provision of FAPE for students with disabilities. At the time of publication of this Practice Kit, OSSE was in the midst of updating the Standard Operating Procedures Manual and the link to the Standard Operating Procedures Manual was not operational; users should contact OSSE's Office of Dispute Resolution to obtain a copy of the Standard Operating Procedures Manual.

- ◆ **OSSE: Office of Dispute Resolution Due Process Complaint Form (2016)**
 - <https://osse.dc.gov/publication/due-process-complaint-form>
 - This website links to the form used to provide notice of a due process complaint to the LEA and/or OSSE and/or parents with respect to any matter relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE to that child, ages 3-22. This website provides detailed instructions regarding the process of serving a complaint. Other practice documents and filing forms related to due process hearings are available here: <https://osse.dc.gov/service/request-due-process-hearing>.

- ◆ **OSSE: Burden of Proof Changes**
 - <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Notice%20of%20Changes%20to%20the%20Standard%20Operating%20Procedures.pdf>
 - The above links to changes to the DCMR Section 700.5 regarding the burden of proof in an administrative due process hearing. These changes took effect in July 2016.

- ◆ **OSSE: Resources for Office of Dispute Resolution Hearing Officers**
 - <https://osse.dc.gov/service/resources-office-dispute-resolution-hearing-officers>
 - This website offers the resumes of the impartial hearing officers who preside over due process complaints and also links to trainings that have been used to train hearing officers in the District of Columbia. NOTE: some of the training documents are outdated and reference areas of the law that have since been updated.

- ◆ **ODR: Mediation Request Form**
 - <https://osse.dc.gov/publication/mediation-request-form>
 - The above website offers mediation request forms designed to assist parties in requesting mediation services in lieu of a due process hearing.

- ◆ **Office of Dispute Resolution (ODR): Frequently Asked Questions (August 2014)**
 - <https://osse.dc.gov/publication/office-dispute-resolution-frequently-asked-questions>
 - This website offers OSSE's explanation of frequently asked questions to help users navigate the OSSE ODR website.

- ◆ **OSSE: State Complaint Form**
 - <https://osse.dc.gov/publication/specialized-education-state-complaints-form>
 - The above link is the OSSE-approved form used to file a State Complaint.

- ◆ **OSSE: District of Columbia Formal State Complaint Policy and Procedures (November 2009)**
 - <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/State%20Complaints%20Policy%20and%20Procedure.pdf>
 - The above policy is aligned with the IDEIA, which requires the State Education Agency (OSSE) to adopt written procedures for the investigation and resolution of any complaint alleging that a public agency has violated a requirement of the IDEIA.

- ◆ **United States Department of Education, Office for Civil Rights: Discrimination Complaint Form**
 - <https://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>
 - The above links to the United States Department of Education discrimination complaint form.

Overview

Early Intervention/Special Education Services for Children Ages 0 to 5

In this section of the Education Practice Kit you will find information about obtaining special education services in the District of Columbia and Maryland for children aged 0 to 5. Early intervention services for children ages 0 through 3 are covered under Part C of the federal Individual with Disabilities Education Improvement Act (“IDEIA”) (see 20 U.S.C. §§ 1400-1487). Under both DC and Maryland state laws, if a parent elects, a child may continue to receive services under Part C of the IDEIA past their third birthday. Special education services for children ages 3 to 5 are covered under Part B of the IDEIA.

In this section you will find information and links to referral forms for each of the administering agencies involved in early intervention in DC and in Maryland. You will also find the link to a developmental chart to assist in determining if a child may qualify for services under the IDEIA.

Services in DC

- ◆ In DC, the Strong Start program (for children being served under Part C of the IDEIA) is operated by the Office of the State Superintendent of Education (OSSE).
- ◆ In DC, the Early Stages Office of DC Public Schools serves children ages 3 to 5 in need of special education services.
- ◆ In DC, there are several revised regulations which took effect in July 2014 and July 2018. Please refer to the CLC Information Sheet on Early Intervention Regulations for this updated information.

Services in Prince George’s County

- ◆ In PG County, the Infant and Toddler Program provides early intervention services from birth through age 2 for children with developmental delays or disabilities.
- ◆ In PG County, the Child Find Program provides early intervention services for children ages 3 to 5 in need of special education services.

CLC Information Sheet: Early Intervention

Eligibility for Services and Extended IFSP Option

Eligibility for Services

- A child is eligible for services under Part C of the Individual with Disabilities Education Act (IDEIA) (*see* 20 U.S.C. §§ 1400-1482.) and pursuant to D.C. Mun. Regs. tit. 5-A § 3108, if:
 - If the child is between the ages of birth to three years old; **AND**
 - (New Law Effective July 1, 2018) The child demonstrates a **25%** or more delay in one of the following developmental areas:
 - Physical development, including vision or hearing;
 - Cognitive development;
 - Communication development;
 - Social or emotional development; or
 - Adaptive development.
 - **OR** the child has been diagnosed as having a physical or mental condition that has a high probability of resulting in developmental delay (including but not limited to: chromosomal abnormalities, genetic disorders, severe attachment disorder, or disorders related to secondary exposure to toxic substances).
- A child must be evaluated and the initial Individualized Family Service Plan (IFSP) meeting must be held within 45 days of the date the agency receives the referral (D.C. Mun. Regs. tit. 5-A § 3107.1).

Extended IFSP

- Pursuant to D.C. Mun. Regs. tit. 5-A § 3110, a child may continue to receive community-based services through the IFSP past the child's 3rd birthday if the child is eligible to receive services under Part B of the IDEIA and the parent so elects.
- If the parent chooses for the child to continue to receive early intervention services under Part C of the IDEIA, the child will continue to receive community-based services until the beginning of the school year following the child's 4th birthday.
- A child may not continue to receive Part C services past the date of which the child enters Kindergarten or is eligible to enter Kindergarten in the District of Columbia.
- If the parent so chooses, a child may transition to school-based services under Part B of the IDEIA at the age of 3 years or at any point between the child's third birthday and the date the child is eligible to start kindergarten. (For example, a parent may elect to do the Extended IFSP for the rest of the school year and summer after a child turns 3 and start special education school-based services with the beginning of the school year while the child is still 3.)

CLC Tip Sheet

CFSA Early Intervention Screening Process

Per the process outlined below, Child and Family Services (CFSA) conducts screenings for disabilities for all children between the ages of 0-5 who enter care.¹ If the screening suggests that the child may have a disability, CFSA automatically refers the child to the appropriate education agency. The education agency then determines if the child is eligible for services.

Children Birth - 2 years, 10 months:

Children up to 2 years, 10 months who enter foster care will automatically receive an initial screening (Ages and Stages Questionnaire) from CFSA staff within 30 days of their entry into care. If the screening suggests that the child is “at risk” of developmental delays, CFSA staff will send the results and a referral to DC’s Office of the State Superintendent of Education’s (OSSE) Strong Start, DC’s Early Intervention Program. Strong Start will seek consent to evaluate the child, and must complete the child’s evaluation within 45 days of receiving an assessment. After the evaluation is completed, the multidisciplinary team determines whether the child needs services; if so, the team will develop an IFSP (Individualized Family Services Plan).

Children in foster care can receive services through OSSE’s Strong Start program regardless of the location of their home placement. Strong Start will report back to OSSE concerning whether the child was found eligible for services, what services were provided, or if the child was referred to Maryland for services. This report is to be filed with CHSA and a copy should be forwarded to the social worker. GALs may request a copy. If necessary, a nurse care manager or PEDS nurse will monitor the implementation of services. GALs should be involved in all multi-disciplinary team meetings and decisions and should have access to all documents created by CFSA, Strong Start, and Maryland Infants and Toddlers.

Children 2 years, 11 months - 5 years

CHSA will also screen all children in this age group who come into foster care using the Ages and Stages Questionnaire (ASQ). The results of screenings are sent to DC Public Schools’ Early Stages program or to the appropriate public charter school if the student is enrolled in a charter school. For children enrolled in charter schools, CHSA will only forward the ASQ report if the score is below a certain score cut-off. Depending on where the child is enrolled, either Early Stages or the charter school should conduct a full evaluation if needed to determine whether the child is eligible for special education services and supports.

¹ See CFSA Early Intervention Child Development Screening Process, Administrative Issuance CFSA-15-4, July 17, 2015.

If the child is found eligible, then an Individualized Education Program (IEP) must be developed and a location of services must be assigned. Early Stages or the charter school will report back to CFSA on whether evaluations were recommended, whether the child was found eligible for special education, and what services and placement were provided. That report will be entered into CFSA's FACES database and a CFSA spreadsheet. GALs should be involved in all IEP team meetings and decisions, and should have access to all documents created by CFSA, Early Stages, and, if applicable, DCPS, the charter school, or Maryland School.

How GALs can assist in this process:

- ◆ Ensure that the initial screening has been completed by CFSA.
- ◆ Ask for copies of the written results of the initial Ages and Stages Questionnaire screening from CFSA.
- ◆ If the screening suggests the child may have a disability or you are concerned that the child may have a disability, advocate for the child to be referred for a full evaluation.
- ◆ Even if CFSA determines that it's not necessary to refer the child to an education agency for a full evaluation, you can refer the child directly if you believe it's in the child's best interests. Anyone can refer a child to Strong Start or Early Stages.
- ◆ Help to identify an educational decision-maker if the child's birth parent is unavailable or unwilling to serve in that role. The parent's or surrogate parent's consent will be needed before the education agency may conduct an evaluation.
- ◆ Consider whether there should be a special education attorney appointed to represent the educational decision-maker.
- ◆ Ask for copies of the reports that the education agencies will send to CFSA regarding a child's eligibility determination and any recommended services.

Early Intervention

Resources and Links

◆ OSSE Infant and Toddler Development Chart

- <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Developmental%20Milestones%20Chart.pdf>
- The above link is designed to help parents, caregivers, or other professionals identify target milestones for children from 1 to 36 months of age.

◆ OSSE Strong Start Referral Form

- <https://osse.dc.gov/publication/start-dc-early-intervention-program-dc-eip-referral-form-0>
- This website links to Strong Start's Early Intervention Program Referral Form for children ages 0-3. The form is available in both English and Spanish.

◆ OSSE Early Childhood Transition Guidelines

- <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/Early%20Childhood%20Transition%20Guidelines.pdf>
- This guideline outlines OSSE's responsibility to provide access to early intervention services for all children transitioning between services under Parts C and B of the IDEIA.

◆ DCPS Early Stages

- <http://www.earlystagesdc.org/>
- DCPS's Early Stages is the assessment center for DC children between the ages of 2 years 8 months and 5 years 10 months. This website provides resources and links regarding Early Stages services.

◆ CFSA Administrative Issuance: Early Intervention Child Development Screening Process (July 2015)

- <https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/AI%20-%20Early%20Intervention%20Child%20Development%20Screening%20Process%20%28final%202015%29.pdf>
- This policy outlines the agency's approach for referring children for early intervention screening and evaluation through the OSSE Strong Start and DCPS Early Stages programs.

◆ Maryland State Department of Education, Division of Special Education/Early Intervention Services

- <http://marylandpublicschools.org/programs/pages/special-education/index.aspx>
- This website includes links for the Maryland Infant and Toddler's program overviews, Family Support Services, Child Find Brochures, and relevant contact information for each county.

◆ Maryland Infants and Toddlers Program: A Family Guide to Early Intervention Services in Maryland

- <https://marylandlearninglinks.org/wp-content/uploads/2015/10/Blue-Birth-3-Guide18x11.pdf>
- This guide provides an overview of Maryland's early intervention services and contact information for the Local Infants and Toddlers Program for every Maryland county.

Overview

Educational Decision-Makers

This section of the Education Practice Kit outlines the importance of ensuring youth in care under the age of 18 have willing, active, and capable educational decision-makers driving education decisions. In this section, we have included a Tip Sheet outlining the legal framework and relevant statutory provisions surrounding educational decision-makers, as well as practical tips regarding requirements for surrogate educational decision-makers in DC and Maryland. We have also included the template court order preferred for use in DC Superior Court when a party is seeking the appointment of someone other than a parent to serve as educational decision-maker for a youth; this order was updated as of February 2018. This document is included as a template, and an editable Word-version of the document can be obtained from the Counsel for Child Abuse or Neglect (CCAN) Office or by calling the Children’s Law Center.

Legal Resources

Federal Regulations

- [34 C.F.R. § 300 et seq.](#)

DC Law & Regulations

- [5 D.C.M.R. § E3001.1](#)

Educational Decision-Makers for Youth in Care

Why Educational Decision-Makers (EDMs) Matter

Youth in foster care are among the most educationally at risk of all student groups. Children in care are more likely to experience multiple school changes, exhibit poor attendance, perform below grade level, repeat a grade, have behavior and discipline programs, and require special education services.¹

It is critically important for all children to have an engaged, active adult who is willing and able to make educational decisions on their behalves. An educational decision-maker is a designated adult with the legal authority to make education decisions for a child. In general, an educational decision-maker's role is to protect the educational rights of a child, and can include providing input regarding the child's grade, classroom, and school, advocating for a child's school stability and appropriate placement, ensuring a child's records and credits transfer between schools, serving as a participant in school meetings, and protecting a child's interests in school discipline proceedings. Not having a clearly defined or active educational decision-maker can result in delays in securing appropriate educational services for a child, or lead to a situation in which no one is actively monitoring the child's education. Ordinarily, a child's parents are his or her de facto educational decision-makers. However, for children in foster care, in particular, situations may arise where a parent is not able or well-suited to serve as educational decision-maker.

When might a child need an alternate educational decision-maker?

- ◆ A child's parental rights have been terminated.
- ◆ A child doesn't have an active, involved adult in his or her life who is willing and available to make educational decisions.
 - For instance, a child's parents are alive, but have not made themselves readily available to engage with the child's school.
- ◆ The school is asking a child's GAL or social worker to make educational decisions on behalf of the child.
 - This may arise when the school has concerns about a child's academic, social-emotional, or behavioral needs and believes special education evaluations and programming may be warranted, and the child's parents are otherwise not available to engage in the special education process.
- ◆ The adult who has authority to make educational decisions is not acting in a manner consistent with the child's best interests.

¹ American Bar Association, Center on Children and the Law, Legal Center for Foster Care and Education.

Who can serve as an educational decision-maker?

As previously noted, there is a natural presumption that a child's parents will serve as their educational decision-makers; this is true in both the regular education and special education contexts. However, if a parent is not willing or able to serve in this capacity, an adult other than the parent can be appointed to serve as educational decision-maker in the parent's stead. In the abuse and neglect context, if a parent is not willing or able to fulfill the role of educational decision-maker, any party may petition the court to appoint someone other than the parent to serve as a child's legally designated educational decision-maker. Ideally, a court-appointed educational decision-maker is someone who is familiar with the child and willing and able to build a trusting relationship with the youth. As a child grows older, it is even more important for the youth to have a voice in his or her own educational process, and having someone who is connected and well-acquainted with the child responsible for making educational decisions can help facilitate a child's engagement in his or her own education. Persons other than a child's parents who may be able to accept appointment to serve as educational decision-maker for a youth may include a family friend or relative, a child's mentor or CASA, or a former or current foster parent.

Educational Decision-Makers and Special Education

The Individuals with Disabilities in Education Act (IDEA) defines who can serve as a "parent" for special education purposes. The IDEA prescribes who has the authority to make special education decisions for a child; such authority includes the right to execute consent to evaluations, a child's Individualized Education Plan (IEP), and special education and related services. A person serving as a parent under the IDEA assumes all educational rights and responsibilities of a natural parent, and may represent the child in all matters relating to identification, evaluation, and educational placement of the child and the child's receipt of a free and appropriate public education (FAPE).²

Who can serve as a "parent" under the IDEA³?

- ◆ A child's birth or adoptive parent, so long as the Court has not terminated or limited the parent's rights or appointed another person to make educational decisions on behalf of that child and the parent is "attempting to act" as the IDEA parent by participating in IEP meetings and monitoring the child's education. A birth or adoptive parent is a child's presumptive IDEA parent.
- ◆ A foster parent, so long as permitted by state law.
 - **NOTE:** DC law only allows a foster parent to act as an IDEA parent if the natural parent's authority to make educational decisions has been terminated and the foster parent has no interest that conflicts with the child.⁴
 - **PRACTICE TIP:** In practice, if you are interested in having a DC foster parent serve as the educational decision-maker for a DC ward, it is best to request the

² See generally 34 C.F.R. § 300.519(g).

³ 34 C.F.R. §300.30.

⁴ See 5 D.C.M.R. E3001.1.

court appoint the foster parent to serve as a surrogate EDM; this is a necessity if a child's parental rights are intact, and is also particularly important if there is a possibility that the foster parent may discontinue serving as the child's foster parent, but it would be appropriate for that person to remain on as EDM.

- ◆ A guardian generally authorized to act as the child's parent or to make educational decisions for the child.
 - **NOTE:** CFSA or the child welfare agency does not have the authority to make educational decisions for a committed child under this provision.
- ◆ A person with whom the child lives who has been acting in the place of the parent. This person could be a relative or non-relative under the statute.
- ◆ A surrogate parent, when (1) no other IDEA parent can be identified, (2) a public agency cannot locate a parent after reasonable efforts, (3) the child is a ward of the state, or (4) the child is an unaccompanied homeless youth.⁵
 - **NOTE:** For youth in care, the court can appoint a person to serve as the youth's surrogate parent under the IDEA; the State Education Agency ("SEA"; in DC, OSSE is the SEA⁶) can also identify a person to serve as surrogate parent for a youth after an education agency serving the child (such as OSSE, DCPS, or an independent public charter school) has identified the need for a surrogate parent.
 - **NOTE:** To serve as a surrogate parent, a person must meet specific criteria under the law.⁷ This includes the following requirements:
 - The person cannot be an employee of the SEA, the local education agency (which, in DC, is DCPS or an independent public charter school serving the child), or another agency that is involved in the education or care of the child, such as CFSA;
 - The person cannot have a personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
 - The person must have the knowledge and skills to ensure the adequate representation of the child.
 - **NOTE:** If the court appoints a person living in Maryland to serve as surrogate parent for a DC ward placed in Maryland or if a DC-resident is serving as the surrogate parent for a youth attending a Maryland school, the appointed surrogate parent is required to attend a Maryland surrogate parent training. In Prince Georges County, Maryland, these trainings are conducted by the Parent Surrogate Office and offered bi-monthly or upon request.

⁵ 34 C.F.R. § 300.519.

⁶ OSSE is DC's Office of the State Superintendent of Education.

⁷ 34 C.F.R. § 300.519 (d).

What is the process for getting authorization for a person other than the parent to serve as an educational decision-maker?

For youth in care, a party – typically, a GAL or government attorney representing CFSA – may file a motion seeking the appointment of an educational decision-maker. If the child does not have any identified or possible special education needs, this person can be anyone having familiarity with the child; if the child has confirmed or possible special education needs, the person must be someone who meets the IDEA definition of a parent and likely that of a surrogate parent, as outlined above. If there is an identified adult who is willing, capable, and eligible to serve as the child’s educational decision-maker, the party motioning the court to appoint the educational decision-maker should identify the preferred EDM in the motion, outlining why the person meets the criteria to serve as EDM, citing back to the requisite statutory criteria.

If a party determines it is in the child’s best interests to have an educational decision-maker appointed, but there is no person identified to serve as educational decision-maker, a party can file a motion seeking the appointment of an unnamed educational decision-maker. If the motion is granted, the court will issue an order directing a GAL or social worker to refer the child to OSSE for the appointment of a volunteer surrogate parent. OSSE’s Educational Surrogate Parent (“ESP”) Program will subsequently appoint a trained volunteer to act as special education decision-maker for the identified student.

In 2016, the DC Superior Court adopted a uniform educational decision-maker/surrogate parent appointment order for use in abuse and neglect cases. Attorneys filing a motion seeking the appointment of an educational decision-maker should attach a copy of this proposed order to any such motion; please review and edit the order before attaching it to a motion, as the proposed order may contain language that is not applicable to your specific case. This template order is included in the Children’s Law Center’s Education Practice Kit for reference, and an editable Word-version of the document can be obtained from the Counsel for Child Abuse or Neglect (“CCAN”) Office or by calling the Children’s Law Center.

What are the practical implications of having someone other than the parent serve as educational decision-maker?

If the court appoints an alternative educational decision-maker, a parent remains entitled to access a child’s educational information, unless the parent’s access has been otherwise limited by the court or his or her parental rights have been terminated. A parent with residual educational rights is authorized to participate in school meetings and access educational information, such as school records, but the parent will not have any legally recognized educational decision-making authority for the child. In general, an order appointing an educational decision-maker for a child will remain in effect until otherwise ordered by the court, and will automatically terminate on the child’s 18th birthday.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY DIVISION**

IN THE MATTER OF)	Docket No.	Social File No.
)		
X.Y. (D.O.B. 1/1/2001))	2015 NEG 00	2015 JSF 0000
)		
Respondent.)	Magistrate Judge/Associate Judge	
)		

ORDER APPOINTING EDUCATIONAL DECISION MAKER/ SURROGATE PARENT

Upon consideration of the motion of a party and any opposition thereto, the consent of all parties, or following a hearing, any evidence presented, and the arguments of counsel, the above-referenced child being in the custody of the District of Columbia Child and Family Services Agency (CFSA), it is this ____ day of _____, 20____,

ORDERED, that after consideration of the rights of the parent(s) to make educational decisions, the Court has determined it is in the best interest of the child to appoint an Educational Decision Maker for the child, including as a Surrogate Parent for special education services when appropriate. The rights of the parent(s) to make educational decisions are suspended until further order of the Court.

(Please select one of the below two paragraphs as applicable; selection of the second paragraph includes further orders that follow.)

It is:

ORDERED, that _____ shall immediately make a referral and provide necessary information to the Office of the State Superintendent (OSSE) so that OSSE may promptly appoint a Surrogate Parent for the child, a student who is or is suspected of having a disability;

OR, IT IS

ORDERED, that the Court hereby appoints _____ to serve as the Educational Decision Maker for the Respondent, pursuant to D.C. Code § 16-2320(a)(5); this person may also serve as the Educational Decision Maker/Surrogate Parent when the child is or is

suspected of being a child with a disability under the Individuals with Disabilities Education Act (IDEA), pursuant to 34 CFR §300.30(b)(2), and 34 CFR §300.519(c); and it is

FURTHER ORDERED, the appointed individual shall have the following educational rights and responsibilities, pursuant to 34 CFR 300 *et seq.*; 5 DCMR *et seq.*, and relevant D.C. Code provisions, including, but not limited to, the following:

- a.) Review and keep confidential the child's educational records;
- b.) Participate in educational meetings and conferences;
- c.) Participate in decisions related to the child's school of enrollment and educational placement;
- d.) Participate in disciplinary meetings and proceedings;
- e.) Initiate a request or provide consent for an initial evaluation or re-evaluation for the child;
- f.) Request and participate in eligibility and Individualized Education Program (IEP) meetings;
- g.) Provide consent for special education, including the initiation and any modifications to specialized instruction and related services;
- h.) Assert all protections provided under the procedural safeguards of the IDEA;
- i.) Attend appropriate court hearings or proceedings, as required, to address the educational needs of the child; and
- j.) Any other educational rights ordinarily afforded to a parent under the laws of the District of Columbia. It is

FURTHER ORDERED, that the appointed individual shall meet the training requirements for the appointment of a Surrogate Parent that may be required by the Local Educational Agency where the child attends school, if the child is or is suspected of being a child with a disability under the IDEA pursuant to 34 CFR §300.30(b)(2), and 34 CFR §300.519(c)." It is

FURTHER ORDERED, that the parent(s) shall not be excluded from access to information unless specifically directed by this Court. And, it is

FURTHER ORDERED, that all terms of this order may be modified at any time by the Court upon its own motion or motion of any party, and unless otherwise ordered by this Court, this order will automatically terminate upon the child's 18th birthday.

SO ORDERED.

Date

Magistrate Judge/Associate Judge

Overview

Other School Policies and Resources

In this section, you will find resources and information on several different topics, including:

- Materials on requesting Home and Hospital Instruction in both the District of Columbia and Prince George’s County;
- Information on English Language Learner (EL, ELL, or ESL) programs for students in DCPS or Prince George’s County Public Schools;
- Information about specialized programs and supports for pregnant and parenting teens in both DC and Maryland (you should also cross reference the CLC Info Sheet on Pregnant and Parenting Teens located in Section II of this Practice Kit for more information on this population of students).

In this edition of the Practice Kit, we have also included some overarching materials regarding education services offered through CFSA, including the Office of Youth Empowerment “OYE Enrichment Bootcamp” CFSA launched in May 2018 for youth who are unable to attend school due to suspension, placement disruption, or a school enrollment change.

You should consult the Transportation section of this Practice Kit for information on CFSA’s transportation policies and practices, and Children’s Law Center’s Practice Kit 9 for information on Post-Secondary Education.

DCPS English Language Learner (EL) Program Overview

DC Public Schools (DCPS) serves more than 6,000 students who are English Learners (ELs). DCPS offers several programs for EL students. The details of DCPS's EL supports and services are available at <https://dcps.dc.gov/service/supports-english-learners-els>.

This website provides detailed information regarding:

- ◆ DCPS's definition for EL students;
- ◆ the process by which a student can be referred for EL services;
- ◆ the assessments DCPS uses to determine eligibility for English as a Second Language (ESL) services;
- ◆ the types of EL programs offered by DCPS and the particular schools at which specific EL programs are offered;
- ◆ an overview of the annual EL assessments used by DCPS;
- ◆ the process by which a student exits EL services; and
- ◆ the contact information for relevant persons in DCPS's Language Acquisition Division.

The website also includes links to materials disseminated by the Language Acquisition Division, including relevant brochures, referral letters, and helpful EL websites, which are also included in this Practice Kit.

Home and Hospital Instruction

DC Public Schools

DCPS's Home and Hospital Instruction Program (HHIP) provides instruction and support to students who have had their educational programs interrupted because of a physical disability and/or health impairment resulting in confinement to home and/or hospital for three weeks or more.

This service must be requested by the student's school and certified by the student's physician. It is an instructional program that is sensitive to the medical factors related to the disability and/or the health impairment indicated. The goal is to establish a continuous, individualized education program closely related to that of the student's local school.

Details about DCPS's Home and Hospital Instruction Program, relevant forms, and contact information can be found here: <https://dcps.dc.gov/service/home-and-hospital-instruction>.

Prior to receiving HHIP services, families must complete and submit four HHIP forms, all of which are available here: <https://dcps.dc.gov/publication/home-and-hospital-instruction-program-hip-forms>.



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of Teaching and Learning

August 2016

Home and Hospital Instruction Program Handbook

Final Version

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Introduction

Purpose

The purpose of this handbook is to provide a resource guide for District of Columbia Public School (DCPS) Central Office and school-based staff to reference when students are being considered for the DCPS Home and Hospital Instruction Program (HHIP). This document defines the procedural steps in referring a student and determining eligibility, as well as the roles and responsibilities of DCPS staff and families. This handbook contains procedural steps for: Referral, Eligibility, Orientation, Delivery of Instruction, Delivery of Specialized Instruction Services, Monitoring and Reporting, Continuous Enrollment, and Transition. The Appendices include a list of HHIP roles and responsibilities/glossary and all referenced forms.

Vision

DCPS Home and Hospital Instruction Program (HHIP) offers a blended-learning instructional model to meet the academic and related service needs of students with health impairments who are confined to home or hospital. HHIP is designed to maintain connections between students and the home school so that a successful transition back to the student's least restrictive environment can be made when the student is able. The HHIP team engages the student, parent, medical professional, and school-based team with the goal of successfully transitioning the student back to their school of enrollment or appropriate school-based setting.

Referral

The referral process begins at the school of enrollment or the admitting medical facility.

- For students in a DCPS public school, the HHIP designee at the school initiates the referral process.
- For students in a non-public school, the monitoring specialist initiates the referral process.
- For students in a DC Public Charter School, the School Support Liaison assigned to the charter school initiates the process of referral for students attending a DCPS LEA charter.
- For referrals submitted by medical or psychiatric facilities, the HHIP designee will be responsible initiating the referral process and for obtaining the appropriate documentation to complete the referral processes.

In order to be considered for eligibility determination, the HHIP designee at the school of enrollment is responsible for submitting the following fully-completed documents:

- *Request for Service Form*- Completed by the school's HHIP designee. This document includes basic student information.
- *Proof of Immunization Form*-Completed by the school nurse or HHIP designee following a review of the immunization record on file at the school. The school nurse is required to sign the documentation within 2 days of the initial request. The HHIP Office is required to adhere to those guidelines outlined by The Office of the State Superintendent of Education and the District of Columbia Department of Health on immunization requirements for public school admission.
- *Physician Verification Form*-Completed by the treating physician, licensed psychiatrist, or psychologist. The treating physician must include the diagnosis. This form should include a specified timeframe with a detailed treatment plan as well as a plan for the student's re-entry to school-based setting. Incomplete or insufficient medical documentation may result a delay in eligibility determination or denial for services.
- *Parent/Guardian Agreement*- Completed by the parent/guardian, agreeing to the terms and conditions of the Home and Hospital Instruction Program. If the parent/guardian does not adhere to the terms of the parent/guardian agreement, HHIP will not provide services. The *Parent/Guardian Agreement* authorizes the release of information and for the medical professional to share the information or clarify information required for approval of home/hospital instruction.

Upon receipt of all HHIP referral documentation, the process for determining eligibility and completing referral will be completed within five business days. If any of the above forms are not submitted with the initial *School Request for Service Form*, the parents will have 10 school days to produce the remaining documents. Incomplete or insufficient documentation may result in a delay in eligibility determination or denial for services. If eligibility cannot be determined, the parents and school in which the student is enrolled will receive a HHIP Program *No Service Form* indicating the reason(s) for the denial.

Completing the Physician's Verification Form

The *Physician Verification Form* must be submitted to the HHIP Office prior to approval of services. The *Physician Verification Form* must include:

- A diagnosis with an explanation of how symptoms affect school attendance and school based instruction; and
- A specific medical treatment plan, with a specified time frame; and
- A plan for returning the student to school is required
- Maternity students will be required to attend school for the full duration of their pregnancies— unless the student is placed on mandatory bed rest.

In no case will full home/hospital instruction be provided when a student can participate in a less restrictive school based setting. In cases where the student's medical condition requires an extension of home/ hospital instruction, an updated physician's verification will be required. New physician's orders must be resubmitted if the probable period of confinement requires an extension of services beyond the first 60 calendar days. Incomplete *Physician Verification Forms* will need to be completed and resubmitted within 10 business days of being notified by the HHIP Program Office to determine eligibility for HHIP services. Eligibility cannot be determined until the completed forms have been submitted and received by the HHIP Office. If clarification is still necessary in order to determine eligibility, the HHIP Program Manager will contact the treating medical professional to gather additional information.

Hospitalization Due to Behavioral, Emotional, or Mental Health Condition

The treating licensed psychiatrist or psychologist must complete the *Physician Verification Form*. When completing the form, the treating psychiatrist or psychologist must include diagnosis, specified time frame of treatment plan, and student readiness to access education. The student's mental health and school-based teams will coordinate efforts to determine the start of HHIP services and the appropriate level of academic reintroduction. In cases in which the mental health and school-based teams collaboratively determine that the student is medically unavailable to begin services, the student will not receive direct services from HHIP providers and the student will be medically excused from participating in the education. Determinations regarding a student's inability to access any portion of the school day may be reversed upon verification from the multidisciplinary team that that the student's medical condition has stabilized to the degree that he/she would benefit from services.

Eligibility

In order to meet eligibility requirements for HHIP, a student must meet the following eligibility requirements:

- A student must live within the boundaries of the District of Columbia prior to hospitalization.
- A student must be registered in a DC Public School, a dependent DC Public Charter School, or a non-public setting determined by DCPS placement.
- The student's anticipated length of absence from school must be two weeks or more. However, a student with a chronic illness may be eligible for home and hospital instruction if they have experienced intermittent absences over a prolonged period of time. Further medical documentation will be required for chronic illnesses.
- Medical documentation must be provided to the HHIP program along with the referral from the school based team. The documentation, specifically the *Physician Verification Form* must include the student's medical and/or psychological diagnosis and anticipated length of time the student will be unable to attend school. The *Physician Verification Form* must be completed by the medical doctor and/or licensed psychiatrist or psychologist who is providing treatment to the student. Under no circumstances can eligibility be determined without the required medical documentation. Incomplete forms will be returned to the physician for completion. Failure to provide the necessary medical documentation may delay the determination of eligibility or in some cases cause the student to be ineligible for HHIP services. In cases where a student is found to be not eligible, a *No Service Form* will be sent to the parent and the school.

Medical Conditions Eligible for HHIP

Physical Condition

Students may be eligible for HHIP if their physical conditions include:

- serious or terminal illnesses;
- medical treatments that compromise the student's immune system; and/or
- surgery or postpartum recovery (Students are eligible for 6 weeks of HHIP services for postpartum recovery; may be extended to 8 weeks in case of a Cesarean delivery).

For those students who receive in-person HHIP instructor visits, the student must be free of infectious or communicable disease such as influenza, pink eye, etc. Because the HHIP instructors work with other students who may have weakened immune systems, the instructor must be notified if student contact may cause risk to other students within the HHIP program. Only the treating physician may authorize home/hospital instruction for a physical condition. Services will be provided to the extent that they are appropriate given the medical and physical condition of the student. In some cases, the HHIP team may determine that the child is medically unstable and the student is unable to access the education. In no case will a student be deemed eligible for full time services if they are able to attend school.

Psychological Condition

Students with psychological conditions that impede their ability to attend school require medical documentation from a psychiatrist or licensed psychologist. Additional documentation from the

attending psychiatrist or licensed psychologist may also be required to determine eligibility. It should be noted that in some cases, when a student is experiencing a psychological crisis, home/hospital instruction may not be appropriate until the student's condition has stabilized. The HHIP team will consider the medical needs of the student first and the educational needs as secondary to medical stabilization. When a student is hospitalized in an inpatient psychiatric unit or completing full time day treatment, the HHIP team may determine that the child is medically unstable and the student is unable to access the education. Services will only be provided to the extent that they are appropriate given the medical and physical condition of the student. When there are issues related to the health and safety of the child, HHIP reserves the right to request additional information from the psychologist or psychiatrist to determine the appropriateness of HHIP services. If the student is a threat to others, HHIP may determine that services are inappropriate until behaviors that impede access are addressed. Cases in which the student is not hospitalized, a plan will be created to transition the student back to school. DCPS will follow all mandated reporting requirements as it relates to safety concerns.

Eligibility Determination

Determination of eligibility for HHIP is completed within 5 business days of receipt of all completed forms. If there is a question of whether a student is eligible for home/hospital instruction services, the HHIP Program Manager will request additional documentation from the treating medical professional. Incomplete or insufficient forms will be returned to the physician and must be returned within 10 business days. In addition, the HHIP Program Manager may request a meeting with parents, school team members, medical professionals and any other relevant members of the team to discuss eligibility. In either of these cases, there may be a delay in eligibility determination.

Re-Certification Verifying Need for Continued HHIP Services

DCPS requires a *Medical Re-certification Form* verifying the need for continued home and hospital instruction at least every 30-calendar days.

Appeal

The parent or guardian has a right to appeal the decision made by the HHIP Program Office. Any appeal to the decision can be forwarded to the Division of Specialized instruction. Please contact hip.dcps@dc.gov.

The appeals process is as follows:

1. A parent or guardian may send a written request for an appeal. Appeals must be sent to the Director of Academic Programs within 10 business days of the date when the eligibility determination is provided to the parent or guardian.
2. The appeal will be reviewed by a three-member panel within the Division of Specialized Instruction.
3. The panel will issue a written response to the parent or guardian within 15 business days of receipt of the appeal.

Orientation

The goal of the HHIP program is to support a student's maintenance of academic progress and to effectively transition the student back to his/her least restrictive environment within the timeframe designated by his/her physicians. Orientation is a critical component of HHIP as it allows our team of staff to introduce the student and family to the educational plan that will support the student during the time he/she is unable to attend school during his/her medical recovery.

The HHIP Instructor and the HHIP Coordinator collaborates with the school-based teachers at the school of enrollment to plan instruction. During orientation, the HHIP Coordinator gives the teacher at the school in which the student is enrolled a brief overview of the various role and responsibilities of the HHIP team, the student's school, the student, and the family while the student is receiving home and hospital instruction services. This allows the HHIP coordinator, the teacher at the school of enrollment, and the student to work collaboratively to maintain the student's level of academic achievement while the student is on medical leave.

In addition, the HHIP Coordinator meets with the parent/guardian and the student at the student's home to set up the student's laptop and assist with any other technological needs. Laptops and Internet access are loaned out to the secondary students by the Home and Hospital Instruction Program to support the student while he/she is out on medical leave. Both the parent and student sign the *Equipment Check-Out Form* stating that they will be responsible for returning the equipment in good working condition. The student is also responsible for signing the *DCPS Internet Use Policy Form*.

Delivery of Instruction

Prior to the start of instruction, there will be an educational planning meeting to determine appropriate HHIP services. The purpose of the educational planning meeting is to develop the plan for how instruction will be delivered for the student while receiving HHIP services. This will include detailed information about the courses the student will be taking and the roles and responsibilities of all stakeholders. While the student is receiving HHIP services, the HHIP Coordinator will act as a liaison between your child and his or her teachers.

HHIP offers a rigorous curriculum, which incorporates the Common Core Standards and is aligned to the DCPS Scope and Sequence. Instruction is offered through blended learning and enhanced technology so that students who have had their academic program interrupted due to a medical condition can continue academic progress. HHIP is individualized to meet the needs of all students, including students with IEP goals and objectives and students who are earning Carnegie units towards a diploma. The HHIP Instructor coordinates with the student's teacher at the school in which the student is enrolled to provide the most effective learning experience. Textbooks are provided by the school in which the student is enrolled. For students with an IEP, instruction is aligned to their IEP goals and objectives.

Instruction: Grades PK-5

Students who are in Elementary grades:

- Receive direct instruction from a HHIP Instructor. The HHIP Instructor delivers the curriculum to meet the needs of the student while maintaining continuity with the curriculum at the school in which the student is enrolled. The HHIP Instructor meets each week with the student to provide instruction. The HHIP Instructor can adjust the instruction, as needed, with guidance from the teacher at the school in which the student is enrolled.
- Receive the same DCPS curriculum as they would at their school of enrollment. The HHIP Instructor contacts the teacher at the school in which the student is enrolled to collaborate on the learning process.

Instruction: 6-12

HHIP secondary students:

- May receive direct instruction from HHIP Instructors in addition to utilizing the same technology programs utilized at student's school of enrollment.
- May receive services entirely through computer-based learning directed by the teacher(s) at the student's school of enrollment.
- Secondary students may receive instruction in the following core subjects; Social Studies, Math, English and Science. Art, Music, Physical Education and electives will be the responsibility of the school of enrollment. In some cases, where students are enrolled in specialty classes and the classes are not offered by HHIP, the HHIP coordinator will work with the teacher at the school in which the student is enrolled to provide appropriate assignments.

Course Scheduling

To the extent possible, students should continue their course of study during enrollment in HHIP. There is no modification of courses schedules or course load during the time that they receive services. Students with IEPs receive the appropriate accommodations and modifications in accordance with the IEPs.

However, as much as HHIP attempts to support students in the courses that are aligned with those provided at the school of enrollment, there are some courses for which HHIP cannot provide instruction. Electives such as Art, Music, Physical Education, and specialty courses are the responsibility of the student's school of enrollment. In these cases, the HHIP Coordinator works with the teacher at the school in which the student is enrolled to provide instruction via educational technology and/or course work. For those courses that are not amenable to educational technology and/or work supported by the student's school of enrollment, a student may withdraw from that course with the approval from that school. This ensures that the student who is excused from school for medical reasons does not accumulate failing grades. In general, if a student misses more than half of a course and neither HHIP nor the teacher from the school of enrollment can provide instruction, the student can withdraw from the course; however, withdrawal should be considered a last resort and needs final approval from the school in which the student is enrolled.

In extreme cases, if a student must be withdrawn from the course, use the following guidance:

- For a 9-week course: If a student is receiving home/ hospital services beyond the first progress reporting period, or begins receiving services after the first progress reporting period and HHIP cannot provide instruction, the student may withdraw for medical reasons.
- For an 18-week course: If a student is receiving home/hospital services beyond the second progress reporting period, or begins receiving services after the second progress reporting period and HHIP cannot provide instruction, the student may withdraw.
- For a 36-week course (A/B Day schedule): If a student is receiving home/hospital services beyond the third progress reporting period, or begins receiving services after the third progress reporting period and HHIP cannot provide instruction, the student may withdraw. A withdrawal from the course should be a last resort and will require final approval from the school-based team and HHIP.

Special Education

Eligibility for special education services is a separate process and is decided on an individualized basis by the IEP team. Students are referred to the school's IEP team for eligibility consideration. Requests to evaluate for special education services may come from a parent, a teacher, a psychologist, another staff member, or a third party. The special education eligibility process is independent of the HHIP eligibility process.

When a student who is receiving special education services is referred to HHIP for a condition that is related to the student's disability and the student's anticipated absence is 60 days or more, the HHIP Program Manager will coordinate with the school case manager to schedule an IEP meeting. During the meeting, the IEP team will ensure that:

- the student is appropriately placed;
- related services are delivered; and
- an appropriate educational plan is implemented in accordance with the student's IEP goals and objectives while the student is receiving home and hospital instruction program services.

An IEP team meeting to review and revise the student's IEP must be convened within 10 school days of eligibility determination for HHIP. All members of the IEP team must be present including the parent(s) of the child, the general education teacher of the child (if applicable), a special education teacher, the LEA representative (of the student's school of enrollment), and an individual who can interpret assessment results, where appropriate. If a student with an IEP is to be further evaluated for home/hospital services, a member of the HHIP team will also attend the student's eligibility and IEP meetings.

It might be necessary to adjust the hours of specialized instruction to meet the current needs of the student as they may differ from the hours received in a classroom setting. The amount of instructional time deemed necessary by the IEP team should be informed by the instructional approach used in a one-to-one home or hospital setting as compared to the instructional approach normally implemented in the student's school based classroom setting. In addition, the student's physician may determine that the number of instructional hours should be reduced based on the student's medical status and needs. Service hours should be determined based on what is appropriate to meet the needs of the student and in consideration of the medical circumstances of the student. It should be noted that the HHIP or any member of the team does not have veto authority on the decisions made by the IEP team.

Case Management

For those students who are enrolled in HHIP for less than six months, they will remain under the case management of their case manager at their school of enrollment. The HHIP special education teacher will be responsible for monitoring the progress of the IEP goals and objectives and completing the progress reports for specialized instruction while the student is receiving services.

In the event that the student with an IEP is enrolled in HHIP for six months or longer, the HHIP special education instructor will serve as the case manager. The HHIP Instructor will serve as the case manager and be responsible for parent communication, IEP development and implementation, monitoring,

completion of IEP progress reports, case management and compliance. The HHIP Instructor will work in conjunction with the LEA Representative at the school of enrollment and the School Support Liaison (SSL) assigned to the school to ensure that the IEP is appropriately monitored.

Extended School Year (ESY)

Extended School Year (ESY) determinations should be completed between December 1st and April 1st. The question of ESY eligibility is addressed at every IEP meeting and evidence of the individualized determination for every student should be documented via the *ESY Criteria Worksheet* and faxed into SEDS. Students who receive services through HHIP must meet the same criteria as indicated on the *ESY Criteria Worksheet*.

For students who receive HHIP services for less than 6 months, the case manager at the school of enrollment will initiate the IEP meeting to address ESY. For students who are with HHIP beyond six months, the HHIP Instructor will initiate the IEP meeting to address ESY.

The HHIP Instructor will complete the necessary steps to determine and complete the eligibility process if a student:

- enters the Home and Hospital Instruction Program between December 1st and April 1st; and
- it has not yet been determined whether the student meets the ESY criteria; and
- the student will remain with HHIP beyond April 1st through to the end of the year.

For students who will return to their school before the end of the year, they will attend ESY at their designated ESY sites. Continuous students who will likely not return to the schools they are enrolled in the following year would be eligible to receive services through HHIP.

Related Service Providers

When medically appropriate, students with an IEP will continue to receive services from related service providers while they are enrolled in the Home and Hospital Instruction Program as indicated on their IEP. The program manager from the related services program assigns the related service providers. However, if there is a problem with the receipt of these services, parents can contact the Home and Hospital Instruction Program Office to assist in resolving the issue.

A student may be unable to receive services from the related services providers due to medical reasons. In those instances, written documentation from the treating physician must be provided by the parent to the case manager and the documentation should be uploaded in SEDS.

Monitoring and Reporting

Progress Monitoring

The HHIP instructor is responsible for completing progress summary reports for each student who has been receiving services beyond two weeks. For those students with an IEP, the HHIP instructor will also create bi-weekly progress notes in the SEDS system and provide the school-based teacher with progress reports and/or bi-weekly updates. In addition, quarterly progress notes are completed two weeks prior to the end of the advisory and submitted to SEDS by the HHIP instructor. For those students in elementary general education who receive services from a HHIP Instructor, the HHIP instructor will complete the progress summary report two weeks before the end of an advisory (grade marking) period. The HHIP instructor will submit the progress summary report to the HHIP Coordinator. The HHIP coordinator will submit the progress summary report to the HHIP designee at the school of enrollment.

Attendance

Approval of HHIP services must be indicated in ASPEN. The HHIP designee/ attendance counselor from the school of enrollment must indicate that the absences are medically excused through HHIP. Students should continue to attend school until they have been enrolled in HHIP and a *Beginning of Service Form* is issued to the school in which the student is enrolled. Failure to attend school during the eligibility process will result in the DCPS truancy protocol being implemented.

All students should be marked with an authorized absence code for the number of days that the student is receiving home and hospital instruction services. Authorized absences begin when a student is accepted into the Home and Hospital Instruction Program and the school of enrollment has received a "Beginning of Service Form". Pending the student's acceptance and enrollment in HHIP, the school of enrollment attendance counselor should mark the student with "VE" in ASPEN indicating an excused absence for medical reasons. Once the student has been accepted to HHIP and is receiving HHIP services, the school of enrollment attendance counselor should record the attendance as "VI" in ASPEN. Authorized absences and "VI" code will cease when an *End of Service Form* has been sent to the HHIP designee.

If a student has been assigned a HHIP instructor, the HHIP instructor will record attendance each day. Any day that a student is unable to receive home and hospital instruction services, the student will be marked as either having an excused or unexcused absence, per DCPS guidelines. In accordance with DCPS attendance guidelines, all policies and procedures are followed while a student is receiving home and hospital instruction services with regards to excessive absences and truancy. The attendance intervention and truancy protocols will be utilized accordingly

See the memo *Use of Medical "M"* under the section on attendance and truancy found in the Appendices.

Grading

The school of enrollment may not award a grade of Medical “M” while a student is receiving home and hospital instruction services. A letter grade must be given based on the instruction provided and the student’s mastery of the work. Grades are calculated based on the work completed prior to the student being enrolled in home and hospital instruction program and that, which is completed during HHIP implementation. Students who have been enrolled for less than 2 weeks before the end of an advisory (grade marking) period will not receive a grade report summary. See memo regarding *Use of Medical “M”* which can be found in the Appendices.

Grade Reports

Students receive a grade report from the HHIP instructor. The HHIP instructor is responsible for submitting a final progress summary report to the HHIP coordinator at least two weeks prior to the end of the advisory (grade marking) period. The HHIP coordinator will submit the progress summary report to the HHIP designee at least one week prior to the end of the advisory (grade marking) period.

For students with an IEP, the HHIP instructor will submit their quarterly progress summary report into SEDS. They will also submit a hard copy to the HHIP Coordinator. The HHIP Coordinator will submit a hard copy to the LEA Representative and/ HHIP designee.

Assessments

All students receiving HHIP services will participate in the DCPS scheduled assessments. The HHIP Program Manager will work collaboratively with the school in which the student is enrolled to collect standardized testing materials and test manuals. HHIP Instructors and if needed, will administer all standardized tests. After the testing period ends, the HHIP Program Manager will return all materials to the school in which the student is enrolled. Any student who is unable to participate in the testing must file for a medical exemption with the Office of the State Superintendent of Education verified by the treating physician or licensed psychiatrist/psychologist. The HHIP Office will provide the parents with the necessary forms to request and file a medical exemption. Request for medical exemptions are subject to approval by the Office of the State Superintendent of Education. All students receiving home/ hospital instruction services will participate, to the extent possible, in all DCPS assessments.

Parents will be notified in writing regarding the administration of assessments. To the extent possible, home and hospital instruction services will continue during the testing period for those students receiving Special Education services through an IEP. The HHIP instructor will contact the parents to advise them of schedule changes and make-up hours specific to their child. All other students will resume services after the testing window is complete.

In some cases, services received during an assessment cycle may be suspended until test administration is complete. Dates may vary according to the test administration.

Continuous Enrollment

Students who have completed at least 9 months of the current school year with HHIP due to a chronic illness and/or an illness resulting from their identified disability, may be eligible for continued enrollment. In order to be eligible for continuous enrollment, the following conditions must be present:

- Enrollment in HHIP for at least 9 months in the current school year;
- The team including the school, parents, the HHIP Office, and the physician do not expect the student to return to school based instruction due to a chronic illness and/or an illness resulting from their identified disability; and
- The treating physician, psychiatrist, or psychologist must submit an updated physician's verification form stating that the student continues to be unavailable for school-based instruction despite treatment.

Those students who are eligible for continuous enrollment receive an enrollment packet prior to the end of the current school year. The parent is responsible for submitting enrollment paperwork to the designated school. All students who are eligible for continuous enrollment are notified in writing prior to the end of the school year. All other students receive an *End of Service Form* at the end of the school year and are expected to reapply for the next school year.

For those students who are eligible for continuous enrollment, the parent will have **10 school days** at the start of the school year to follow enrollment guidelines. After 10 days, if the student is not properly enrolled, the parent will receive a written notice stating there has been a suspension of services until the student is officially enrolled.

Return to School Transition

School teams and HHIP staff members work collaboratively with parents/guardians and medical and/or community resources to coordinate the reintegration of the student back to school-based instruction, including any reasonable accommodations that will enhance the student's opportunities for success. In most cases, if a student is returning to school on the date listed on the *Physician Verification Form*, there is no need for medical clearance. If the student is attempting to return to school prior to the date listed on the *Physician's Verification Form*, the student must receive written documentation from the doctor stating that it is permissible to return to school.

The HHIP designee at the returning school will be informed of the student's approaching school return date at least one week in advance. The school's HHIP designee will communicate with the parent/guardian and inquire whether services need to be continued. If so, the parent/guardian must submit an updated *Physician Verification Form* demonstrating the continued need for HHIP services. If HHIP services are no longer required, then the HHIP Program Manager will close out services for the student. The HHIP Coordinator will send an *End of Service Form* to the parent/guardian, HHIP School Designee, and the New Heights Counselor (if applicable) to inform these stakeholders that the student is no longer receiving home/hospital instruction services.

For HHIP students who have been receiving special education services through an IEP, the HHIP Case Manager will work collaboratively with the school IEP team to complete the necessary steps to transition the student back to school based instruction. Medical documentation is required for the student to return to the classroom setting. An IEP meeting will be held for students to ensure that the IEP is updated and all medical documentation is received stating that the student is to return to school based instruction. If it is determined that medical support is necessary for the student to return to a classroom setting, it must be discussed at the student's IEP meeting and it must be noted on the IEP. In the event that a student is scheduled to age out of specialized education services, a transition IEP meeting will be held to discuss the postsecondary plans for the student, including RSA, DDS, or any other applicable community support services.

School teams and HHIP staff members work collaboratively with parents/guardians and medical and/or community resources to coordinate the successful reintegration of the student to school-based instruction, including any reasonable accommodations that will enhance the student's opportunities for success.

Appendices

Appendix I: Roles and Responsibilities/ Glossary

HHIP Program Manager

- Manages HHIP Quickbase Home and Hospital Instruction Program Application;
- Reviews documentation and follows up with the HHIP coordinator if there are any questions/concerns;
- Conducts follow up inquiries with medical professionals;
- Designates students as HHIP eligible for HHIP instruction;
- Monitors students on HHIP Eligible List;
- Maintains all data records for HHIP;
- Monitors compliance with student's IEP;
- Conducts IMPACT evaluations of HHIP Instructors;
- Conducts performance assessments for HHIP Coordinators;
- Facilitates PD sessions for schools and parents on the HHIP services and related areas;
- Monitors contracts with educational technology vendors;
- Manages budget and procurement;
- Evaluates HHIP services and systems in order to improve the overall program;
- Attend Pre HHIP eligibility meeting for students who are being evaluated for HHIP services;
- Attend eligibility and IEP meetings for students being further evaluated for, or currently receiving HHIP services, where appropriate;
- Attends school re-entry meetings where appropriate; and
- Works collaboratively with the Home School to collect standardized testing materials and test manuals, administers standardized tests, and returns materials and test manuals to Home Schools during the standardized testing time.

HHIP Coordinators

- Coordinates the referral process for all students;
- Provides follow up inquiries with schools and parents as deemed necessary for referral;
- Provides orientation for students, parents and teachers to online instruction and sets up technological tools for students including both hardware and software;
- Collaborates with the HHIP designee, teacher at the school in which the student is enrolled and the HHIP Program Manager to select appropriate courses/concepts for student;
- Monitors student progress and provides feedback to teachers, parents, and HHIP designee;
- Monitors student online activity to ensure student meets the minimum requirements;
- Provide online usage reports to teachers and parents on student progress in online courses;
- Provide guidance to schools on utilizing usage reports in calculating grades, if necessary; and
- Submits progress summary reports to HHIP Designee.

HHIP Elementary Instructors

- Teaches student in all core subject areas;
- Collaborates with the classroom teacher, parent, student and other relevant professionals to determine the amount of work to be accomplished by the student while receiving services;

- Communicates with the Home School Teachers weekly via email, phone call and/or school visits prior to the start of service;
- Maintains open communication with student's and parent/guardian;
- Collaborates with the enrolling school to collect standardized testing materials and test manuals, administer standardized tests, and return materials and test manuals to enrolling schools for students assigned on their caseload during standardized testing time; and
- Submits progress summary report to HHIP Coordinators.

HHIP Special Education Instructors

- Provides specialized instruction according to the student's IEP;
- Communicates with the Home School Teachers weekly via email, phone call and/or school visits prior to the start of service;
- Participates on student's IEP team while student is receiving HHIP services to provide information required for the student's annual IEP;
- Serves as SPED case manager if student is receiving HHIP services for more than 6 months by coordinating with the LEA representative to schedule IEP meetings and ensure that all data is received in a timely manner;
- Coordinates with SPED case manager and home school teacher, for students enrolled in HHIP for less than 6 months;
- Enter weekly progress notes in SEDS;
- Maintains detailed progress reports and provides timely progress summary reports to the parents;
- Provides progress summary reports to the HHIP Coordinators;
- Attend all IEP meetings, where appropriate; and
- Submit a grading report summary at the end of marking period to HHIP coordinators.

Teacher at School of Enrollment

- Provides assignments, textbooks and workbooks to students pending eligibility HHIP services;
- Provides assignments, textbooks and workbooks to students who will be out of school for less than three weeks (i.e. work packets);
- Provides assignments and textbooks to the HHIP instructor in subjects to be taught once student receives HHIP services;
- Collaborates with the HHIP instructor regarding specific GLEs, IEP goals/objectives to be addressed (provided no later than two business days after initial contact with the HHIP Instructor);
- Consistently communicates with the HHIP Instructor via email, phone call, or school visits on at least a bi-weekly basis;
- Provides assignments to the student for non HHIP instructed subject areas;
- Enters grades for student at the end of marking period;
- Provides assignments to the student in non-HHIP subject areas; and
- Coordinates with the HHIP staff to ensure student's successful transition back into the school environment.

Principal at School of Enrollment

- Appoints the School's HHIP designee;
- Ensures the Designee fully complies with HHIP procedures and deadlines;
- Provides support to the Home School teacher as necessary; and
- Reviews and signs the Request for Service form.

HHIP Designee at School of Enrollment

- Initiates the referral process;
- Submits required documentation to the HHIP office including all supporting documentation;
- Acts as liaison between teacher in which the student is enrolled and the HHIP coordinator;
- Provides standardized test materials and manuals, and interval tests and scoring guides to the HHIP instructor or HHIP coordinator for any students receiving HHIP services during standardized testing and interval testing;
- Supports student's successful transition back into the school environment; and
- Supports the teacher at the school in which the student is enrolled.

Case Manager at School of Enrollment

- Maintains case management relationship with student and serves as their case manager while student is receiving services in HHIP (applicable if student is receiving HHIP services for less than 6 months);
- Ensures IEP team meets prior to student receiving HHIP services to amend student's IEP for home/hospital instruction if enrolled in HHIP for 3 months or more; and
- Maintains contact with related service providers.

Attendance Counselor at School of Enrollment

- Marks student with "VE" in ASPEN indicating an excused absence for medical reasons pending acceptance and enrollment in HHIP;
- Marks student with "VI" in ASPEN following notification and receipt of the Beginning of Service Form until the conclusion of HHIP services; and
- Resume regular attendance following notification and receipt of the End of Service Form.

Social Worker at School of Enrollment

- Maintains relationship with student while receiving services from HHIP;
- Coordinates, where appropriate, with the social worker assigned by the Office of Special Education to work with HHIP;
- Serves as School's HHIP Designee if appointed by the Principal; and
- Ensures student's successful transition back into the school environment.

Guidance Counselor at School of Enrollment

- Serves as School's HHIP Designee if appointed by the principal;
- Maintains relationship with student while receiving services from HHIP; and

- Provides support and serves as a liaison between Home School teachers and the HHIP office staff.

New Heights Program Coordinator at School of Enrollment

- Coordinates referral process with the school of enrollment's HHIP Designee;
- Monitors student's progress in completing online instruction;
- Coordinates with the HHIP Coordinator to ensure student's successful transition back into the school environment; and
- Provides additional support to students who are new moms, as necessary.

Parent/Guardian

- Provides the School's HHIP Designee with the necessary documentation to enroll in HHIP;
- Ensures that a parent/guardian is present in the home during HHIP staff visitation;
- Provides a safe and consistent learning environment for the student and the HHIP staff member (e.g., HHIP Coordinator, HHIP Instructor, etc.) free from danger;
- Completes, signs and adheres to the Parent/Guardian Agreement;
- Notifies the HHIP Instructor, 24 hours in advance if possible, if it is necessary to cancel the regular visit; and
- Notifies the HHIP Instructor prior to a scheduled session if a member of the household has a contagious/communicable disease (e.g., pink eye, lice, flu, infectious mononucleosis, etc.).

Student

- Participate in orientation provided by the HHIP Instructor or HHIP Coordinator;
- Complete work assigned by the home school, HHIP Instructor or meet the minimum hours of online instruction;
- Contact the HHIP office immediately if they experience problems with computer or internet access;
- Return all equipment in good and working condition at the conclusion of HHIP services; and
- Report to school at the conclusion of HHIP service.

Appendix II: HHIP Request for Service Form

Home/Hospital Instruction Program (HHIP)

SCHOOL REQUEST FOR SERVICE FORM

Directions: Type or print information in ink. This form must be completed in its entirety. Home/Hospital Instruction Program (HHIP) will not approve a referral unless the following are submitted:

- Request for Service Form
- Proof of Immunization Form
- Physician's Verification Form
- Parent/Guardian Agreement
- IEP (if applicable)
- 504 plan (if applicable)

Student Profile (please print):

Name _____ Age _____

Date of Birth _____ Male _____ Female _____ Student ID No. _____

School _____ Grade _____ GPA _____

Counselor/LEA Representative _____ School Phone _____

Counselor/LEA email address _____

Is the HHIP Designee the student's counselor YES NO If NO please provide name

Home Address _____

Zip Code _____

Parent/Guardian _____

Home Phone _____ Work Phone _____

Additional Information:

Reason for Referral: _____

Special information/Comments _____

The student has: ___ IEP ___ 504 plan

SIGNATURES REQUIRED BEFORE SUBMITTING APPLICATION:

By signing below, we acknowledge that we are forming a partnership with the Home/Hospital Instruction Program staff in order to facilitate and support the delivery of educational services. THE PUBLIC SCHOOL WHERE THE STUDENT IS CURRENTLY ENROLLED WILL:

- Meet with the student’s HHIP Coordinator prior to the start of HHIP services;
- Provide all necessary instructional resources to the student during his/her enrollment in HHIP (e.g., textbooks, assignments, etc.);
- Continue to manage the IEP and/or 504 process(es) (if applicable);
- Maintain constant communication with the student’s HHIP coordinator;
- Ensure that each teacher communicates with the student on a weekly basis.

School’s HHIP Designee Signature

Date

Principal’s/ Designee’s Signature

Date

FOR OFFICE USE ONLY

Educational Setting:

General Ed Special Ed Public Non Public

Non-Resident Tuition Homebound Hospital Name: _____

Date Application Received: _____ Received by: _____

Date Application Assigned: _____ HHIP Teachers: _____

Service Begin Date: _____ Service End Date: _____

UPLOAD ALL FORMS TO THE HOME/HOSPITAL INSTRUCTION PROGRAM (HHIP) QUICKBASE APPLICATION or Fax to (202) 645-6020

Appendix III: HHIP Proof of Immunization Form

Home/Hospital Instruction Program (HHIP)

PROOF OF IMMUNIZATION COMPLIANCE FORM

THIS FORM MUST BE SUBMITTED WITH A COPY OF THE STUDENT'S
PROOF OF IMMUNIZATION DOCUMENTATION

To be completed by Home School Designee or School Nurse

STUDENT: _____ DATE OF BIRTH: _____

STUDENT ID NO. _____ GRADE: _____ SCHOOL: _____

.....
This form is submitted to the Home/Hospital Instruction Program, along with appropriate documentation supporting proof of immunization for _____.
(Student)

Submittal of this form also verifies that the student is in compliance with the District of Columbia Public Schools (DCPS) Immunization Policy for SY 2013-2014. If the student is not in compliance with the DCPS Immunization Policy, the parent has 10 days to produce the necessary documentation.

Administrator's Signature: _____

Administrator's Title: _____ Date: _____

School Nurse's Signature: _____

Appendix IV: HHIP Physician's Verification Form

Home/Hospital Instruction Program (HHIP)

PHYSICIAN VERIFICATION FORM

(NOTE: Provision of incomplete information below may delay application process)

Part I: To be completed by the School's HHIP Designee

Name of Student: _____ Telephone: _____

School: _____ Grade: _____

Date Parent Received Form: _____ Date Designee Received Form: _____

School Staff whom Received Form:

Part II: To be completed by a licensed physician or psychiatrist

Before initiating Home/Hospital Instruction services, we must obtain written verification of the physical or psychiatric condition from a licensed physician or psychiatrist. The licensed physician must verify that the student meets the criteria for eligibility.

Yes **No**

- Is the student under medical care for illness or injury, which is acute, catastrophic, or chronic in nature?
- Is the student expected to be absent from school due to a physical or psychiatric condition for at least 10 consecutive school days, or due to a chronic condition, for at least fifteen (15) school days, which need not run consecutively?
- Is the student confined to the home or hospital (facility)?
- Is the student well enough to participate in and benefit from an instructional program?

If yes, please explain _____

- Can the student receive instructional services without endangering the health and safety of the instructor or other students with whom the instructor may come in contact?

RECOMMENDED SERVICE DELIVERY MODE (please select one below):

_____ Full-time Hospital/Homebound - *Student is UNABLE to attend ANY portion of the school day*

____ Part-time Hospital/Homebound-Student is ABLE to attend a partial school day/week
(____ hours per day) or (____ days per week)

____ Attend school on non-consecutive days based on chronic condition

PART III: Physician Treatment Plan

1. Please indicate the student’s diagnosis: _____
2. Explain in detail how the physical or psychiatric condition you have diagnosed will significantly limit the child’s ability to receive educational benefit in the regular school setting. In what way(s) would the child’s ability to function in the school setting be jeopardized?
3. Describe your treatment plan for the child (include the frequency and duration of the treatment for psychiatric conditions.)
4. List any medication(s) the child is taking and explain the effects, if any, the medication(s) may have on the child’s ability to achieve educational benefit in the school setting.

For Pregnancy Only—Please provide the Expected Date of Delivery: _____.

Is the student on bed rest? Yes No

HHIP will provide instruction for 6 weeks (regular) or 8 weeks (cesarean) after delivery.

5. Date to begin HHIP: _____ Date student is to return to school: _____

Physician’s Certification: I certify that this student is under my care and treatment for the aforementioned illness. My recommendation has been made on the medical needs of the patient. **This certifies that this treatment plan is medically necessary.**

_____ (Print) Physician’s Name	_____ Physician’s Signature	_____ Date
_____ Address	_____ Telephone	_____ License #

***PHYSICIAN SHOULD FAX COMPLETED FORM TO (202) 654-6020**

Appendix V: HHIP Parent/ Guardian Agreement Form

Home/Hospital Instruction Program (HHIP)

PARENT/GUARDIAN AGREEMENT

If my student, _____, is approved for home/hospital instruction, I understand the following (check the boxes below):

- I will provide a safe, quiet, clean, well-ventilated setting for student and teacher in my home. This includes **1) securing all animals while instruction is taking place; 2) refraining from smoking and drinking; and 3) minimizing any distractions (television, radio, video games, etc.).**
- I will ensure that a responsible adult is present (if required);
- I will establish a schedule for student study between delivered instructional times;
- I will foster my child's independent work ethic and will assist only as needed;
- I will communicate openly and consistently with my child's HHIP Coordinator and HHIP Instructor;
- If there is a change in physician, I will provide an additional HHIP Physician Verification Form, completed by the new physician;
- I agree to provide the HHIP program staff any updated information regarding the physician's treatment plan for my child;
- I give permission for the physician(s) and appropriate school personnel to exchange information and records regarding my child's medical condition, diagnosis and instructional program;
Parent/Guardian (_____) initials
- I agree to cooperate with the DCPS policies including the Code of Student Conduct and those of HHIP during my child's enrollment in HHIP;
- I am aware that some courses are not available through HHIP;
- I understand that provision of incomplete information may delay the application and eligibility determination process for HHIP.

Appendix VI: HHIP Beginning of Service Form

Home/Hospital Instruction Program (HHIP)

BEGINNING OF SERVICE FORM

Date _____

Dear _____,

The Home/Hospital Instruction Program's instructional time with

_____ began on _____.

The following courses will be taught this/these advisory(ies):

However, it is the responsibility of the home school to provide student work packets for any subjects not available through HHIP. HHIP does not provide instruction for electives.

Home/Hospital Instruction is projected to end on _____.

If you have any questions or comments, please contact HHIP at 202-939-3506.

Sincerely,

HHIP Program Manager

cc: Home School
HHIP Student File

Appendix VII: End of Service Form

Home/Hospital Instruction Program (HHIP)

END OF SERVICE NOTIFICATION

Date _____

Dear _____,

The Home/Hospital Instruction Program instructional time with _____
ends on _____. He/She is to return to school on _____. The
grades/ progress report will be sent to the school.

We have enjoyed working with _____ and wish him/her all the best.

If you need our services in the future, please contact HHIP at 202-939-3506.

Sincerely,

HHIP Program Manager

cc: Home School
HHIP Student File

Appendix VIII: Use of Medical “M” Memorandum

April 29, 2014

MEMORANDUM:

TO: School Principals, Counselors and Instructors

FROM: John Davis, Chief of Schools

RE: The use of Medical “M” in mark entry

Occasionally, District of Columbia Public Schools’ (DCPS) students are unable to attend school regularly due to a medical illness. These students should not automatically be given an “M” (Medical) as a term or final mark unless the student meets specific criteria. In almost all cases, these students should be receiving Home/Hospital Instruction Program (HHIP) services if they are unable to regularly attend school. All students must have access to a free and appropriate public education (FAPE) as well as access to the general curriculum.

An M is used only in the following situations:

- The student is hospitalized, unconscious (such as a coma) or incapacitated and unable to perform school work for an extended time period.
- The student is medically excused by a physician from school for at least three weeks of the term and has applied for HHIP services, but may not have been approved for HHIP at the time grades are due. The school should confer with the Office of Academic Planning and Scheduling, and enter an M for all current courses.
- The student is approved for short term HHIP services, but the course he/she was enrolled in is not available through HHIP nor can a teacher provide work packets for the student to demonstrate all required competencies while out of class. HHIP will issue an M for applicable courses only during relevant grading periods. All other courses receiving HHIP services will receive a letter grade based on the work completed.
- The student is approved for short term HHIP services, but the course he/she was enrolled in through HHIP is begun in the last two weeks of a term, leaving the student insufficient time to complete enough work to be fairly assessed. HHIP will issue an M for applicable courses only during this specific grading situation.

In extreme cases, where a student is expected to receive long-term HHIP services, it may be best that the student be withdrawn from the course according to the following guidance and approval protocols:

- For a 9-week course: If a student is receiving HHIP services past the first progress reporting period, or begins receiving services after the first progress reporting period and HHIP cannot provide instruction, the student may withdraw for medical reasons.
- For an 18-week course: If a student is receiving HHIP services past the second progress reporting period, or begins receiving services after the second progress reporting period and HHIP cannot provide instruction, the student may withdraw.

- For a 36-week course: If a student is receiving HHIP services past the third progress reporting period, or begins receiving services after the third progress reporting period and HHIP cannot provide instruction, the student may withdraw.

Withdrawal should be considered a last resort and needs final approval from the Office of Academic Planning and Scheduling. The course should not be dropped from the schedule; the final grade issued should be entered as a Withdrawal (W) and the course should appear on the transcript.

If a student is chronically absent but does not meet these qualifications, then the student should not be receiving an M mark. The student should be completing classwork for days absent as required by the school policy or by the student's 504 plan, if applicable. A student who is missing work at the end of the term may receive an Incomplete (I) grade; the student then has ten school days to submit all missing work for the grade to be changed into a standard letter grade. Failure to complete assignments will result in the converting of an I to an F, per DC Municipal Regulations.

When should a student be considered for HHIP services?

Students who are chronically absent or expecting to be out for at least two weeks due to medical illness should apply for HHIP services. However, a student with a chronic illness may be eligible for home and hospital instruction if they have experienced intermittent absences over a long length of time. Further medical documentation will be required for chronic illnesses. Medical documentation must be provided to the HHIP program along with the referral. The documentation, specifically the Physician's Verification Form* must include the student's medical and/or psychological diagnosis and anticipated length of time the student will be unable to attend school. The Physician Verification Form* must be completed by the medical doctor and/or licensed psychiatrist or psychologist who is providing treatment to the student. DCPS requires a medical re-certification form verifying the need for continued home and hospital instruction at least every 60-calendar days. For further information, please consult the HHIP Handbook.

* The Physician's Verification Form must be submitted to the Home and Hospital Instruction Program prior to approval of services. A diagnosis with an explanation of how symptoms affect school attendance and school based instruction, as well as a specific medical treatment plan, with a specified time frame, and a plan for returning the student to school is required.

Chronic Absence and Truancy

Within the “Student Attendance and Reporting Requirements Including Requirements of the 2012 South Capitol Memorial Amendments Act,” The Office of the State Superintendent of Education (OSSE) utilizes the following definitions:

- *“Chronic Absenteeism”* --The accumulation within one school year of ten (10) or more school days on which a student is marked absent, including excused and unexcused absences.
- *“Chronically Truant”*- A school aged child is chronically truant when absent from school without legitimate excuse for ten or more days within a single school year.

Schools must ensure that the Truancy Protocol is followed for all related students. Students who do not qualify for HHIP must be pursued for truancy if excessive absence is occurring without proper evidence excusing the absence. A doctor must provide an excuse for absences exceeding five consecutive days in order for the absences to be excused. A phone call does not constitute an excuse; all excuses must be in writing whether from a physician or a parent. If there are any questions about attendance and truancy, please review the respective policies and/or consult with the Office of Youth Engagement.

If students are unable to regularly attend school, the school should develop an intervention plan by convening the Student Support Liaison (SSL), and/or developing a 504 plan to accommodate the student’s needs while he/she recovers from illness.

Students are responsible for completing all assignments, classwork, labs, exams et cetera that the student may have missed while out of the classroom, whether the absence was excused or not. A student typically has three (3) school days to make up missing assignments unless otherwise written within a 504 plan.

In the District of Columbia, education is compulsory for ages 5–17. Therefore, students must meet the attendance requirements described in the Attendance Policy and in DC Municipal Regulations until at least their 18th birthday unless the student has earned a high school diploma prior to turning 18. A medical leave of absence is not an option for a student for whom the compulsory education restrictions apply. If a student is too ill to attend school, he or she should be considered for, or receiving, HHIP services.

If a parent does not wish to pursue the requirements of a DCPS school, the parent has the right to withdraw the student from public school to continue the student’s education in a homeschool setting. Homeschooling is regulated by the OSSE. DCPS does not develop, draft, augment, or support any homeschool plans. HHIP does not extend to or support homeschool programs. Schools cannot engage in developing a homeschool plan within a 504 plan, SST plan, IEP or HHIP service plan. Schools cannot guarantee the acceptance of high school credits from a home school program. Per DC Municipal Regulations, Title V, Chapter 22, 2202.8, DCPS may transfer only those courses that the system deems to be comparable and that apply towards graduation requirements.

Attendance Policy and Grading

Grading and retention decisions related to student absences shall follow guidance articulated in DCMR Chapter 21 and Ch. 22, and as described in the Attendance Policy.

- Secondary students with five **(5)** or more unexcused absences in any class during a single advisory shall receive a grade reduction in that subject.
- Secondary students with ten **(10)** or more unexcused absences in any class during a single advisory shall receive a grade of "FA" (failure due to absences) in that subject.
- Secondary students accumulating thirty **(30)** or more unexcused absences in a course within a full school year shall receive a failing final grade in that course with a resulting loss of course credit.

A written grade appeal may be filed by a parent or student on behalf of any student receiving a reduced or a failing grade(s) due to unexcused absences. This appeal should be submitted to the principal at the school of enrollment.

JD:csk

CC:

Instructional Superintendents

Andrea Allen, Director, Student Attendance & Homeless

Denise China-Johnson, Manager, Home/Hospital Instruction Programs

Appendix IX: District of Columbia Public Schools Technology Use Agreement



DISTRICT OF COLUMBIA PUBLIC SCHOOLS TECHNOLOGY USE AGREEMENT

I, _____, do hereby acknowledge full liability for the DCPS technology assigned to

Parent or
Guardian Name

_____ while the device is being used at home or outside of the school day with my child
during

student

the course of the school year (the specific technology item(s) are listed in the box below).

I agree to ensure that the device is returned to the school day, for the child to use it during the school day. If, upon return, such technology is found by DCPS to be damaged, lost or stolen, I will assume financial responsibility for the reasonable cost of repair or replacement based on the fair market value of such equipment on the date of loss. Loss or theft of the technology must be reported to the school Site Property Manager by the next school day after the occurrence. If the technology is stolen, I agree to obtain a police report and fully cooperate with any incident investigations that may be conducted.

This agreement will terminate at the will of DCPS, or no later than the last day of the school year or upon the student's withdrawal from the school. Failure to return the aforementioned technology within thirty days of the termination date will constitute an unlawful appropriation of DCPS property.

Your signature indicates that you have read, understand and agree to the terms listed above.

PARENT OR GUARDIAN SIGNATURE

DATE

For office use only:	
Type of Technology	Quantity
└┘ Laptop	_____
<i>Specify:</i>	_____

PARENT CONTACT INFORMATION

Address: _____

Home Phone: _____

Cell or Work Phone: _____

Email Address: _____

Appendix X: DCPS Student Safety and Use Policy for Internet and Technology

Purpose

A) To establish standards for the acceptable uses of internet and electronic mail (email) services within the computer network maintained and operated by the District of Columbia Public Schools (DCPS computer network); B) To prevent unauthorized and unlawful uses of email and internet within the DCPS computer network; C) To establish procedures for the use of computer equipment that is maintained and operated by the by District of Columbia Public Schools (DCPS); and D) To comply with the Children’s Internet Protection Act of 2000 (CIPA). This policy is applicable to all current DCPS students who use computers within the DCPS network.

Policy

DCPS will use technology protection to block or filter internet access to visual depictions that are obscene, pornographic, or harmful to minors. DCPS reserves the right to supervise and monitor students’ online activities and to access, review, copy and store or delete any electronic information or files and disclose them to others as it deems necessary. Students should have no expectation of privacy regarding use of DCPS property, the DCPS computer network or the use of the Internet, files, or email while within the network.

Penalties for prohibited use may result in restrictions to network access or cancellation of accounts. Additionally, violations may result in disciplinary and/or legal action for students including suspension, expulsion, and criminal prosecution.

DCPS makes no guarantee that the functions or quality of the network services it provides will be free of errors or defects. DCPS is not responsible for any claims, loss, damages, costs, or other obligations arising from use of the network or accounts. Any charges a student incurs due to network use will be borne solely by the student. DCPS is not responsible for the accuracy or quality of the information obtained by the student through use of the system, unless the information is obtained from the DCPS website or the District of Columbia Government website. Any statement accessible on the network or the Internet is understood to be the author’s individual point of view and not that of DCPS, the District of Columbia Government, their affiliates, or employees.

1. Acceptable and Prohibited Internet Use

A. Acceptable uses of email and internet on the DCPS computer network 1) Use of network email and internet that is directly related to the mission, business, and educational goals and policies of the D.C. Public Schools.

B. Prohibited uses of email and internet on the DCPS computer network

All DCPS students are prohibited from the following when using the DCPS computer network:

- i. Accessing DCPS network and email accounts outside of school without a parent or guardian supervising the usage, unless the student is 18 or older.

- ii. Revealing personal information about themselves on the internet, including name, address, telephone number, and uploading photographs.
- iii. Personally meeting anyone with whom they have only had prior contact with on the internet.
- iv. Using profane, vulgar, or abusive language.

2. Procedures and Guidelines: Content and Conduct

A. Students are prohibited from using the DCPS computer network to transmit fraudulent, harassing or obscene, or otherwise inappropriate email messages. Examples of such messages include but are not limited to:

- i. Messages sent under an assumed name, modified email address, or with the intent to obscure the origin of the message.
- ii. Messages that harass an individual or group because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation, or political affiliation.
- iii. Messages that are obscene, contain pornography, or are harmful to minors.
- iv. Messages containing indecent speech or hate speech.

B. All contents of all files located on computer equipment owned or maintained by DCPS are considered property of DCPS and are subject to search by DCPS at any time and for any reason.

C. Students shall not display or transmit any images, sounds, or messages, or other material that could be considered pornographic in nature.

D. Students shall not display or transmit any images, sounds, or messages, or other material that could create an atmosphere of harassment or hate.

E. Students are prohibited from online game playing and gambling, unless these activities are legitimately related to school curriculum and coursework a teacher or other appropriate school personnel is supervising the activity.

F. Students are prohibited from accessing internet chat rooms, unless the chat rooms are related to school coursework and access is made under the supervision of a teacher, parent or guardian.

G. Students are prohibited from accessing social networking sites unless they used to serve an educational purpose.

H. Students shall not download or spread computer viruses on DCPS network computers or engage in any other deliberate conduct that disrupts, obstructs, or burdens the resources of the DCPS computer network.

I. Students shall not use the DCPS computer network to engage in any illegal or criminal acts, including, but not limited to, criminal gang activity, recording criminal activity, threatening the physical safety of another person, or computer hacking.

J. Students shall not install or run any type of software on a DCPS network computer without the consent of the Office of Teaching and Learning or Office of Chief Operating Officer-IT.

H. Students may not use network computers for personal financial gain by posting messages that advertise the student's own personal business or any business or venture in which the student has a financial interest.

K. Students shall not read, modify, or remove files owned by other students.

3. Procedures and Guidelines: Network Security and Equipment Maintenance

A. Students are prohibited from sharing their password or login identification with any other person.

B. Students are prohibited from logging into the network by using account information belonging to another student, teacher, or network administrator.

C. If a student discovers or has reason to believe that another student has obtained unauthorized access of his/her account, the student shall contact a teacher or other school personnel, as well as immediately change his/her password. The teacher or school personnel shall immediately contact the Office of the Chief Operating Officer-IT or a network administrator.

D. Students are prohibited from modifying or rearranging technology equipment belonging to DCPS, including keyboards, monitor, printers, and computers.

E. Students shall report any cases of malfunctioning equipment or other network issues to a teacher, or other school personnel. The teacher or other school personnel shall contact a network administrator.

F. When using public workstations, students shall log off of the network before leaving the work station. Students shall further ensure that the workstation is in suitable condition for the next student.

G. When using private or individual workstations, students shall lock their computer or log off of the network if they will be away from the workstation for an extended period of time.

District of Columbia Public Schools
Student Safety and Use Policy for Internet and Technology
ACKNOWLEDGMENT FORM

For the Student

I have read the DCPS Student Safety and Use Policy For Internet and Technology. I agree to follow all of the rules that are stated in the policy. I understand that if I violate any of these rules my school internet and technology access may be terminated, and I may face other disciplinary or legal consequences.

Date: _____

Name of School: _____

Name of Student (print): _____

Signature of Student: _____

For the Parent/Guardian

I have read the DCPS Student Safety and Use Policy For Internet and Technology and reviewed it with my child(ren). I recognize and understand that if my child does not abide by the terms of the policy that his/her school internet and technology access may be terminated and he/she may face other disciplinary or legal consequences.

Name of parent/guardian (print): _____

Signature of parent/guardian: _____

Services to Promote Children and Youth's Development and Educational Success

The Office of Well Being provides both consultative and contract-based educational services to assist in linking children birth to 5 to quality child care and early education programs and to ensure youth in grades K-12 have the academic and other supports they need to benefit from their education.

POPULATION SERVED

The below consultative services are available to all social workers with youth in out-of-home care, including private agency social workers. Examples of the type of issues we've assisted with via consultations:

- helping to identify daycare and early education options for children 0-5
- breaking through enrollment barriers when trying to get a child in school
- answering questions and offering assistance in navigating the special education process
- brainstorming educational options for youth who are disengaged or frequently suspended from school

Contracted educational services (transportation, mentoring, tutoring) are also available to foster youth aged 5-21 with open court cases subject to certain criteria. These services must be discontinued when the court case closes.

QUESTIONS & OTHER INQUIRIES

Social workers may refer a client to any of the above services by submitting an OWB referral and sending it to cfsa.wellbeing@dc.gov or contacting any of the below staff members directly:

Child Care and Early Education Team:

- ❖ Megan Dho, Child Care Supervisor
megan.dho@dc.gov, 202-727-1303
- ❖ Tia Clarke, Child Care Coordinator,
tia.clarke@dc.gov, 202-442-6144

Education Team:

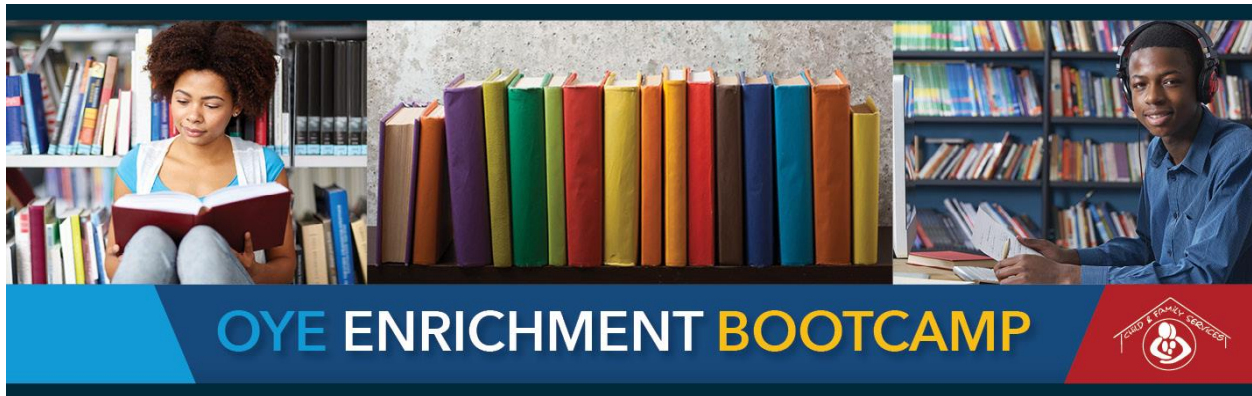
- ❖ Timothy Fitzgerald, Education Specialist,
timothy.fitzgerald@dc.gov, 202-727-8028
- ❖ Charlotte Williams, Educational Specialist,
charlotte.williams2@dc.gov, 202-715-7787
- ❖ Cortni Mitchell-Colston, Education Specialist,
cortni.mitchell-colston2@dc.gov, 202-727-4951
- ❖ Almeta McCannon, Education Specialist – Grade 8,
almeta.mccannon@dc.gov, 202-727-4712
- ❖ Tracey Talbert, Transportation/Mentoring
tracey.talbert@dc.gov, 202-727-4679
- ❖ Megan Dho, Education Supervisor
megan.dho@dc.gov, 202-727-1303

CONSULTATION SERVICES

- **DAYCARE VOUCHERS AND SUBSIDIES** are processed daily for resource parents, teen parents and parents with children in protective supervision by our Child Care Coordinator.
- **IDENTIFICATION OF CHILD CARE AND EARLY EDUCATION PROGRAMS** with the help of our Early Education Specialist who can assist social workers or resource parents in identifying and securing quality child care or early education programs, including Pre- K3 and Pre-K4 and Head Start.
- **ENROLLMENT AND OTHER EDUCATIONAL SUPPORT ON CASES** from our Education Specialists for Grades K-12 who can point workers toward helpful resources within the schools and provide assistance, support and guidance with any school-related issues – including how to access specialized services, respond when a youth faces disciplinary action, or provide support to a youth who has disengaged or stopped attending school.

CONTRACTED SERVICES

- **SCHOOL TRANSPORTATION** to maintain school stability when it's determined to be in the youth's best interest and no other means of transportation is available, following a child's initial entry to foster care or any changes in foster care placement.
- **TUTORING** from individually assigned tutors who provide in-home tutoring to foster youth who are struggling with their school work and academics; can assist with academic remediation in reading and math, course-specific help, test preparation and study/organizational skills.
- **MENTORING** from individually assigned mentors to enhance youth's self-esteem and social skills.
- **EMERGENCY CHILD CARE SERVICES** for resource families when child care for children, birth to 5, is a barrier to placement. A qualified child care provider can provide in-home child care for up to 10 days while more permanent options are explored and solidified.



School Interrupted for a Youth in Foster Care? New CFSA Day Program Fills the Gap!

Sometimes, our youth in care experience a temporary interruption in their school attendance due to:

- Suspension
- Placement disruption
- School enrollment change.

When these situations arise, both the youth and caregiver need a safe, convenient, supportive solution to bridge the gap until regular school attendance resumes. On May 1, 2018, CFSA's Office of Youth Empowerment will launch a new program designed to address this issue: **OYE Enrichment Bootcamp**.

So what's the OYE Enrichment Bootcamp?

It's a day program to serve CFSA youth in care who are temporarily unable to attend school due to **suspension, placement disruption, or a school enrollment change**.

- Enrichment Bootcamp is open to any District youth in the sixth grade through age 20 and in foster care.
- The program operates Monday through Friday from 7:30 a.m. to 5 p.m. on site at OYE, 3350 9th Street NE, WDC 20017.
- The program capacity is 10 participants per day on a first-come/first-served basis.
- Each time a youth attends the program, he/she can participate for a maximum of 10 consecutive days. Because the program is intended as a bridge, youth should resume regular attendance at school as soon as possible.

What does this day program provide?

Youth are in a safe setting and receive individual guidance to make worthwhile use of their time. OYE specialists supervise and structure each day based on the educational and behavioral needs of each participant. Youth in the program keep up with school assignments, complete homework, and take part in activities that support academic achievement and build new skills (such as using computers).

How does the program work?

Foster Parents/Caregivers:

- As soon as you know you will need to use this program, contact the youth's social worker. **Referral to the OYE Enrichment Bootcamp needs to come from the social worker.**
- Coordinate with the social worker to plan the youth's transportation to and from the program site.
- Pack a lunch, snacks, and beverages for the youth each day he/she attends the program. Enrichment Bootcamp does not serve meals.
- Give the social worker instructions regarding any medication the youth is taking. Each day, the youth should bring a one-day supply in the original bottle/packaging with labeled instructions.
- Ensure the youth reports to the program in uniform or otherwise dressed for school.

Social Workers:

- As soon as you know that a youth on your caseload needs Enrichment Bootcamp, complete and submit the [online referral form](#). To find the form on the CFSA website (cfsa.dc.gov), click on the For Partners tab, click on Social Workers, click on Social Worker Support Forms, and under the heading of Referral Services click on OYE Services. OYE must have your referral by close of business on the day before the youth needs to start the program.
- Coordinate with the foster parent/caregiver to plan the youth's transportation to and from the program site.
- In the case of suspension, contact the school to get class and homework assignments for the youth. Ensure the youth comes to Enrichment Bootcamp prepared to do this work.
- Review the program rules with the foster parent/caregiver regarding hours of operation, meals/snacks, dress code, medications, and overall length of participation.

Questions? Need more information?

Contact Afrilasia Joseph-Phipps, program manager, CFSA Office of Youth Empowerment, afrilasia.joseph@dc.gov, 202-727-7517.



Other School Policies and Resources

- ◆ **DCPS: English Language Learner (EL) Support**
 - <https://dcps.dc.gov/service/english-language-learner-ell-support>
 - This website provides comprehensive information regarding DCPS's English Language Learner program and services, complete with referral and assessment information.

- ◆ **District of Columbia Public Schools Office of Bilingual Education Interpretation and Translation Policy**
 - <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCPS-INTERPRETATION-TRANSSERVICES-POLICY%20%281%29.pdf>
 - This policy outlines the role of DCPS's Office of Bilingual Education and the translation and interpretation services offered by DCPS. Moreover, the policy explains the office's responsibility to serve central offices and local schools to enable parents of other language backgrounds to fully participate in the education of their children by receiving high quality communication, equal to the communication provided in English to other families.

- ◆ **DCPS: Language Acquisition Division (LAD) Brochure**
 - https://dcps.dc.gov/sites/default/files/dc/sites/dcps/service_content/attachments/LAD%20Brochure.pdf
 - DCPS's LAD's Intake & Assessment Center provides orientation to families new to the United States, as well as information on screening processes to determine EL eligibility and placement.

- ◆ **DCPS: Helpful EL Websites**
 - https://dcps.dc.gov/sites/default/files/dc/sites/dcps/service_content/attachments/Helpful%20ELL%20Websites.pdf
 - This document offers DCPS' compilation of websites for English Language Learners.

- ◆ **PGCPS Administrative Procedure, Language Minority Students (5111.3)**
 - <https://www1.pgcps.org/WorkArea/DownloadAsset.aspx?id=161539>
 - This administrative procedure outlines PGCPS's guidelines for the identification, assessment, and instruction of non- and limited-English proficient language minority students.

- ◆ **DCPS: School Health Guides for Families**
 - <https://dcps.dc.gov/publication/school-health-guide-families>
 - This guide provides an overview of DCPS's various health services and programs that support the physical and emotional health of DCPS students.

- ◆ **DCPS: Home and Hospital Instruction Program (HHIP) (updated January 24, 2018)**
 - <https://dcps.dc.gov/service/home-and-hospital-instruction>
 - This website links to the HHIP forms that must be completed and submitted to initiate the process for a student to receive HHIP services.

- ◆ **DCPS: New Heights Program**
 - <https://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/New%20Heights%20Brochure%20Final%2006%2024%2016.pdf>
 - The link provides an overview of and contact information for the New Heights program, a DCPS program catering to the needs of students who are expectant parents co-located within various DCPS high schools and education campuses.

- ◆ **DC Department of Human Services, Teen Parent Assessment Program (TPAP)**
 - <https://dhs.dc.gov/service/empowering-teen-parents>
 - This website provides an overview of the TPAP, which strives to empower teen parents to move toward self-sufficiency and offers case management services. Referrals to TPAP may be made by DC Public Schools, caseworkers, and other community-based programs.

- ◆ **PGCPS Homebound and Hospital Instruction Program**
 - <http://www.pgcps.org/homeandhospitalteaching/>
 - This website provides an overview of, referral process for, relevant forms concerning, and frequently asked questions regarding the PGCPS Homebound and Hospital Instruction Program, which is available to students in grades Pre-K through 12th grade when they are unable to attend school due to a particular health, emotional health, or pregnancy-related condition.

- ◆ **PGCPS Administrative Procedure, Home and Hospital Teaching (5011)**
 - <https://www.pgcps.org/WorkArea/DownloadAsset.aspx?id=161527>
 - This administrative procedure establishes PGCPS's procedures regarding the provision of instructional services to students who are unable to participate in their Prince George's County school of enrollment due to a physical or emotional condition.

- ◆ **PGCPS Administrative Procedure, Educational Programs/Services For Pregnant Girls (5119.3)**
 - <https://www.pgcps.org/WorkArea/DownloadAsset.aspx?id=161549>
 - This administrative procedure provides information and guidelines for educational programs/services for pregnant girls enrolled in PGCPS.

- ◆ **CFSA Education and Child Care Resources**
 - <https://cfsa.dc.gov/page/educationresources>
 - This website links to the full array of CFSA's Education and Child Care Resources, and offers information for social workers, families, and practitioners, including updates on child care voucher and subsidy programs, CFSA's tips for school engagement, and CFSA's Fact Sheets regarding education for youth in care.