

State SELPA Association

Current News:

Currently, Non-Public Schools and Agencies are a hot topic across the State. Each day, something new pops up. In order to support an organized and systematic way of communication, we created this newsletter. We are considering delivery approximately twice per year, should the need continue. We would appreciate your feedback.



LEA Responsibility

Concerns have been raised that the Local Education Agency does not exhibit the level of ownership and responsibility required after placing a student in a Non-Public School (NPS). The NPS/A Committee recommends that you encourage your districts to develop a monitoring plan that includes visits, separate and apart from the IEP, to observe instruction, curriculum, and behavioral intervention practices.

Ultimately, the LEA is responsible for instruction, oversight of program, compliance, and progress of each student placed at a NPS.

It may also benefit the LEA if the SELPA and/or LEA send representation to the NPS during the CDE Onsite Reviews. During this review, a tour of the facility and observation of instruction occurs. Additionally, IEPs, Master Contracts, and ISAs are reviewed. Your presence and input is very

beneficial and may reduce the number of required corrective actions as you can provide further clarification during the process.

The NPS/A Committee will be working toward providing examples of monitoring tools to assist you in this process.

You may wish to collaborate with neighboring Districts and/or SELPAs to assist with a monitoring schedule.

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Behavior Intervention Practices

There is heightened focus on behavior intervention practices at the NPS. When monitoring a NPS, look for signs of behavior intervention implementation. This includes time out rooms, mental health staff and/or behavioral staff working with students, posted models or programs of behavior intervention, individual student behavior intervention plans, point sheets, and data.

Ask the NPS how many Behavior Emergency Reports (BER) are filled out and submitted each year, month, or week. Review BERs that apply to your students. Obtain documentation of staff certification in crisis intervention training.

When concerns arise, review this with the NPS and if needed, the CDE.

Currently, there is some confusion on when a BER should be completed. The

NPS/A Committee is collaborating with others to obtain clarification.



The LEA must document LRE on both the CDE 15 Day Notification Form and the IEP.

Remember, an RTC is an NPS. All information reviewed for an NPS applies to an RTC.

Examples of monitoring tools for NPS, including RTC, are coming soon!



Residential Treatment Centers

Several things have come to light after recent onsite reviews. Please share the following information with your LEA in order to increase compliance.

Reporting of Out-of-State Nonpublic, Nonsectarian School and Agency Placement (CDE 15 Day Notification Form)

This form is required to be submitted within 15 days of the placement decision to place a student at an out-of-state RTC. The NPS/A Committee recommend that staff follow up with the CDE to confirm their receipt of this form. This form is to be submitted for each placement, even if for the same student.

In box #4, you must list a date of anticipated return to a CA placement, even if the date may not come to fruition. At a minimum, use the due date of the next IEP.

In box #7, you must list the efforts made to obtain an in-state placement. If appropriate, list the facilities who denied placement. Other example statements are listed below.

"The LEA searched for a CA placement for this student prior to placement out-of-state and was denied enrollment."

"Current CA placement options have been reviewed and the student's needs can only be met at an out-of-state NPS."

It is also recommended that the LEA and NPS/RTC have a copy of this form.

The Educational Settings Page of the IEP or Other Applicable Location

Each IEP has a location for "Activities to Support Transition". If the IEP team is considering a return to a lesser restrictive environment, this section should be completed. Student visits home, pre-planning meetings, counseling sessions to specifically address transition, parent and/or student visits to proposed placements, are all examples of activities that may be applicable.

It is our understanding that if the IEP team is not contemplating a return to a lesser restrictive environment prior to the next scheduled IEP, this section is not a required component of the IEP.

Course of Study

Several LEAs have received corrective actions related to the course of study included on the transition pages of the IEP. The IEP notes: *"A multi-year description of student's coursework from current year to anticipated exit year, in order to enable the student to meet their post secondary goal."* IEP teams should specifically document which courses the student is required to take from the date of the IEP until graduation, how many credits are still required, and if there are any specific plans/strategies needed in order to meet this course of study. Including a transcript or just listing the credits needed is not sufficient.

Individual Services Agreement (ISA)

The ISA is a required component when contracting with any NPS. Generally speaking, RTC's charge a 3-part rate to include Basic Education, Mental Health, and Room and Board. This becomes an issue when completing the ISA as the counseling services on the IEP are specific. Services on the ISA must match services listed on the student's IEP; however, an LEA may note INC. (included) or something similar to note the rate. In other words, the services need to be specific but the rate can still be listed as "daily" or "monthly" etc.

Documenting LRE in the IEP

It is highly recommended that the IEP team document its efforts to return the student to a lesser restrictive environment which could be included in the Notes Page of the IEP. Sample language is provided below:

"The IEP team has exhausted in-state options for placement. The IEP team continues to discuss the student's return to a lesser restrictive environment. The current anticipated date of return is [insert date]."