

ATTACHMENT

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DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of Special Education

November 2009

Untimely Assessments and Due Diligence Guidelines

Pending official promulgation of policy

Version 1.0

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Untimely Assessments and Due Diligence Guidelines

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Purpose

The purpose of these Guidelines is to provide guidance when assessments are not conducted in a timely manner due to the student's absence, truancy, or refusal to participate or attend, lack of or withdrawal of parental consent for evaluation/reevaluation, or incomplete assessment.

Guidelines for Untimely Assessments and Due Diligence

Untimely Assessment Scenarios

Parent/Guardian Consent is Granted but the Student is Frequently Absent, Truant, and/or Refuses to Participate or Attend

When 2-3 attempts to assess are unsuccessful because the student is absent, truant and/or refuses to participate or attend:

- The Related Service Provider (RSP) assigned to complete the assessment must:
 - Contact the teacher, attendance monitor, and parent/guardian to determine the reason for the student's absence for each failed attempt;
 - Document contacts, attempted contacts, and outcomes in the SEDS communication log;
 - Call the parent/guardian to reschedule the assessment and document in the SEDS communication log; and
 - Inform the Special Education Coordinator (SEC) via email that the student was absent or refused to participate and that the information has been documented.
- The SEC must:
 - Contact the parent/guardian at least three times using multiple modalities (e.g., written, phone, email, visit). One contact must be written correspondence sent by certified mail with a return receipt;
 - Notify the related service provider via email when the attempts to contact the parent are made; and
 - Document contacts with parent/guardian, attempted contacts, and outcomes in the SEDS communication log.
- The IEP Team must convene within 15 school days of the second failed attempt to assess. The Team will:
 - Review the student's attendance history since consent was obtained;
 - Consider the reason(s) for the student's absence, truancy, and/or refusal to participate or attend; and
 - Determine if an alternate assessment or schedule for the assessment may be warranted.

The parent/guardian and DCPS can agree in writing that the attendance of certain IEP Team members is not necessary for this meeting depending on the member's area of curriculum or related services; allowing a partial team to meet to address this particular situation. **However, the related service provider assigned to that assessment MUST be in attendance.** If the parent/guardian cannot physically attend the IEP meeting an alternative means of participation may be used (e.g., individual or conference telephone calls).

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The SEC will send a letter by certified mail with a return receipt to the parent/guardian within five business days of the IEP meeting if the parent/guardian does not want to attend the IEP meeting or fails to respond to the *IEP Meeting Invitation/Notice*.

No Parent/Guardian Consent for Initial Evaluation

If the parent/guardian refuses to consent to an initial evaluation or fails to respond to the *Parent/Guardian Consent to Initial Evaluation/Reevaluation* within 15 school days the SEC must:

- Contact the parent/guardian at least three times using multiple modalities (e.g., written, phone, email, visit). One contact must be written correspondence sent by certified mail with a return receipt;
- Document contacts, attempted contacts, and outcomes in the SEDS communication log;
- Send a Prior Written Notice (PWN) by certified mail with a return receipt to the parent/guardian indicating that the special education process has stopped. At this point, DCPS is no longer obligated to pursue consent or conduct assessments; and
- Contact the cluster supervisor via email if he/she feels it is necessary to pursue the consent to evaluate. DCPS may elect to proceed to mediation and/or a due process hearing in order to override the lack of consent for assessment.

No Parent/Guardian Consent for Reevaluation

If the parent/guardian refuses to consent to a reevaluation or fails to respond to the *Parent/Guardian Consent to Initial Evaluation/Reevaluation* within 15 school days the SEC must:

- Contact the parent/guardian at least three times using multiple modalities (e.g., written, phone, email, visit). One contact must be written correspondence sent by certified mail with a return receipt;
- Document contacts, attempted contacts, and outcomes in the SEDS communication log;
- Send a PWN by certified mail with a return receipt to the parent/guardian indicating that the special education process has stopped. At this point, DCPS is no longer obligated to pursue consent or conduct assessments; and
- Contact the cluster supervisor via email if he/she feels it is necessary to pursue the consent to reevaluate. DCPS may elect to proceed to mediation and/or a due process hearing in order to override the lack of consent for assessment.

Parent/Guardian Consent Provided but Assessment Not Completed in Timely Manner (Exception: student absent, truant, and/or refuses to participate or attend)

If the parent/guardian has provided consent to evaluate/reevaluate but the assessment may not be completed within the required timeline the SEC must:

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- Contact the program manager of the specific discipline via email immediately (e.g., if the SEC suspects the speech/language evaluation will not be completed within the required timeline); and
- Mail written correspondence to the parent/guardian identifying the incomplete assessment(s) and requesting agreement on a new timeline for completion. This correspondence should be sent by certified mail with a return receipt on the same day as the program manager is contacted.

Parent/Guardian Withdraws Consent to Evaluate/Reevaluate

If the parent/guardian verbally withdraws consent to evaluate/reevaluate the case manager must:

- Document the conversation in the SEDS communication log; and
- Send a PWN by certified mail with a return receipt to the parent/guardian documenting that the consent to evaluate/reevaluate has been withdrawn.



DISTRICT OF COLUMBIA
PUBLIC SCHOOLS

Office of Special Education

August 2013

Missed Related Service Sessions, Truancy and Due Diligence Guidelines

Version 2.0

Missed Related Service Sessions, Truancy and Due Diligence Guidelines

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Purpose

The purpose of this document is to provide guidance to related service providers about required actions in the event of a missed service. The purpose is to clarify our roles and obligations about when a missed related service session must be made up, how to document missed, make-up, and attempts to make up service sessions, and timelines by which the sessions are to be made up.

DCPS is federally mandated to adhere to the IEP prescription, which may include related services. As such, it must be the goal of each related service provider to provide consistent services designed to help students function more independently in areas impacted by their disability. Related Service Providers are also responsible for supporting documentation and actions to ensure student access to needed services. In the instances where the delivery of a service is impeded, guidelines have been developed to assist the RSP with conducting documentation that reflects due diligence.

Truancy is an agency-wide problem in DC Public Schools. Truancy is the unexcused absence from school by a minor (5-17 years of age), either with or without parental knowledge, approval, or consent. Since regular school attendance is critical to academic success, chronic truancy must be addressed. Absences impact the number of instructional hours that a student receives and may result in failing grades, disengagement from the school environment, and ultimately, increase the likelihood of students dropping out of school.

During the 2011-2012 school year special education students made up 18% of the overall truancy rate. In an effort to address our troubling graduation rate and truancy problem, DCPS raised awareness about this issue across the agency and increased staffing support. These supports help but they are not enough to meet the enormous challenge of reducing truancy rates as aggressively as the need requires (decrease of 23% by SY 12-13).

Truant students often miss related services. Related service providers are in a unique position to support increasing attendance and reducing truancy for special education students. This guidance will incorporate truancy into due diligence activity and RSPs will utilize the guidance outlined in this document to support truancy prevention. Every RSP discipline will follow this guidance for the students on their individual caseloads. The guidelines provide all of the information necessary to monitor student engagement with services, engage parents in problem solving, and adhere to district reporting requirements about student attendance.

Missed Related Service Sessions and Due Diligence Guidelines

Missed Related Service Session Scenarios and Due Diligence

Provider Unavailable: Provider not available for scheduled service session(s) (e.g., sick leave, annual leave, attending an IEP meeting).

When a service session(s) is missed due to the provider being unavailable to deliver the service, DCPS has the following two options:

1. The Related Service Provider (RSP) must schedule a make-up service session for the missed service session(s) during the quarter in which the missed session occurs. If the missed session(s) occurs during the last week of the quarter it must be made up within the first week of the following quarter. This is to ensure that all relevant information will be provided in the quarterly progress report. In most cases, this is the option that should be utilized. If the RSP cannot make up the session(s), he/she must notify the program manager via email within 24 hours;
2. When the RSP absolutely cannot make up the session(s), and notifies the program manager, the program manager must then assign a substitute provider to make up the missed service session(s) during the quarter in which it occurs or develop an alternative option with the RSP and LEA. If the missed session(s) occurs during the last week of the quarter it must be made up within the first week of the following quarter. If the RSP cannot make up the session(s), he/she MUST notify the program manager via email within 24 hours.

Student Unavailable: Student in school, but not able to attend session.

Student Attendance at School-Related Activities (e.g., field trip, assemblies)

If a service session(s) is missed because of student attendance at a school-related activity the RSP must:

- Document the missed service session (see *Procedures for Documentation*);
- Consider the impact of the missed session on the child's progress and performance and determine next steps to ensure the provision of FAPE. One goal is to ensure the students have the opportunity to participate in activities with their non-disabled peers; and
- If the missed session due to the student's unavailability caused a negative impact on the student's performance, the missed session must be made up.

The goal of DCPS is to ensure that related services are delivered despite the reason for the missed sessions. Therefore, the IEP team should consider alternative service delivery options or a change in services when the missed sessions are significantly impacting the service implementation and student's progress. Examples of alternative service delivery options include: Service delivery in the classroom, a

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consultation delivery model or transition out of the current service type and replacement with different services (e.g. exit from speech / language services and increase research – based reading Intervention).

Does not include inclusionary delivery of services (e.g., RSP attends assembly with student as part of his/her service session).

Student Refuses to Participate or Attend (e.g., verbal refusal, student is unable to be located)

1. When a student misses 3 service sessions because the **student refuses to participate or attend** the RSP must:

- Document each missed service session (see *Procedures for Documentation*); and
- Notify the LEA or case manager via email within 24 hours of the last missed service session. This notification prompts an IEP meeting. The LEA or case manager must convene the IEP meeting within 15 school days of the 5th missed service session to consider the impact of the missed session on the student's progress and performance, and determine how to ensure the continued provision of a free appropriate public education (FAPE). Student attendance records should be reviewed at the meeting when making the determination.

While there is not a requirement to make up missed service sessions due to student absence or refusal the goal of DCPS is to ensure that related services are delivered despite the reason for the missed sessions. Therefore, the IEP team should consider alternative service delivery options or a change in services when student absence or refusal is significantly impacting service implementation as outlined above. Examples of alternative service delivery options include: service delivery in the classroom, a consultation delivery model, or transition out of the current service type and replacement with different services (e.g., exit from speech/language services and increase research-based reading intervention).

The parent/guardian and DCPS can agree in writing that the attendance of certain IEP Team members is not necessary for this meeting depending on the member's area of curriculum or related services; allowing a partial team to meet to address this particular situation. **However, the RSP for the service session in question must be in attendance.** If the parent/guardian cannot physically attend the IEP meeting an alternative means of participation may be used (e.g., individual or conference telephone calls). The parent's/guardian's signature must be obtained on the IEP and/or the Prior Written Notice (PWN) before the delivery of services. The LEA or case manager is responsible for obtaining the parent's/guardian's signature on the amended IEP within 5 days of a telephone conference.

2. When a student misses 5 service sessions because the **student refuses to participate or attend** the RSP must:

- Document each missed service session (see *Procedures for Documentation*); and
- Notify the LEA or case manager via email within 24 hours of the last missed service session. This notification prompts an IEP meeting. The LEA or case manager must convene the IEP meeting within 15 school days of the 5th missed service session to consider the impact of the missed session on the student's progress and performance, and determine how to ensure the

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continued provision of FAPE. Student's attendance records should be reviewed at the meeting when making the determination.

Again, while it is not a requirement to make up missed service sessions due to student absence or refusal to participate or attend the goal of DCPS is to ensure that related services are delivered despite the reason for the missed service session(s). Therefore, the IEP team should consider alternative service delivery options or a change in services when student absence or refusal is significantly impacting service implementation as outlined above. Examples of alternative service delivery options include: service delivery in the classroom, a consultation delivery model, or transition out of the current service type and replacement with different services (e.g., exit from speech/language services and increase research-based reading intervention).

The parent/guardian and DCPS can agree in writing that the attendance of certain IEP Team members is not necessary for this meeting depending on the member's area of curriculum or related services; allowing a partial team to meet to address this particular situation. **However, the RSP for the service session in question must be in attendance.** If the parent/guardian cannot physically attend the IEP meeting an alternative means of participation may be used (e.g., individual or conference telephone calls). The parent's/guardian's signature must be obtained on the IEP and/or the PWN before the delivery of services. The LEA or case manager is responsible for obtaining the parent's/guardian's signature on the amended IEP within 5 days of a telephone conference.

Student Withdrawn from STARS but showing in SEDS: Student withdrawn but showing on SEDS caseload

The school registrar has completed the steps to withdraw a student from STARS but the student is still showing in SEDS. The RSP must:

- See Procedures for Documentation
- Document "student unavailable"
- The service tracker note must provide:
 - Date student was withdrawn in STARS
 - Reason for withdrawal (noted in STARS)
 - Attending school if known
- Continue to document the missed services until the student is no longer showing in SEDS

Multiple Student Absences/Truancy: Student absent from school and scheduled service sessions

Truancy is the unexcused absence from school by a minor (5-17 years of age) with or without approval, parental knowledge, or consent.

The District of Columbia Compulsory School Attendance Law 8-247 and DC Municipal Regulations Title V Ch. 21 govern mandatory school attendance and the ways schools must respond when students are truant. The Compulsory School Attendance Law states that parents/guardians who fail to have their children attend school are subject to the following:

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- Truancy charges may be filed against the student or parent;
- Neglect charges may be filed against the parent;
- Parents may be fined or jailed;
- School-aged students may be picked up by law enforcement officers during school hours for suspected truancy;
- Students may be referred to Court Diversion and other community based interventions; and
- Parents and students may be assigned community service and placed under court supervision/probation.

When a student misses a related services session because of an **excused or unexcused student absence** the RSP must:

- Speak with the teacher and Attendance Counselor / Attendance Designee to determine reason of student's absence;
- Check STARS if teacher is unable to provide information regarding the student's absence;
- Contact the student's parent, make a home phone call (*if the absence is excused, there is no need to contact the student's parent*); and
- Document the contact with the student's guardian in the SEDS Communication Log
- Document each missed session in service tracker note in SEDS (see example below);
 - "Attempted to provide (state related service), however (name of student) is absent per report of classroom teacher (name teacher). Per STARS the student's absence is excused/unexcused."
 - You may also add information received following phone call with parent/guardian. For example "Per telephone conversation with parent (name the parent/guardian), (student's name) is absent from local school because (state the provided excuse)".
- Notify the LEA or case manager via email within 24 hours of the missed service session.

When a student misses five (5) related service sessions because of **unexcused student absences** the RSP must:

- Contact the student's parent, make a home phone call;
- Inform the teacher, attendance counselor, and/or attendance POC to determine what staff has already done to address attendance concerns;
- Inform the LEA/Case Manager of the absences and attempts to contact the student's guardian.
- Document the attempts to service the student and contact the student's guardian in the SEDS Communication Log **and** in the service tracker log;

Per DCPS' Attendance Intervention Protocol, after five unexcused absences:

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- The Attendance Counselor / Attendance Designee mails Unexcused Absences STARS letter to the student's home requesting an attendance conference
- Student is referred to the Student Support Team (SST)
- Student, parent/guardian and appropriate school officials develop Student Attendance Support Plan to connect the family to in-school or community resources and city agencies, and to make recommendations for next steps
- Follow up within 10-days to track student's progress on next steps identified in attendance conference. Follow up with programs/resources identified for support during attendance conference to determine if student/family is participating.
- Home visit must be conducted, if parent is not responsive to meeting request.

The Attendance Counselor, Attendance Designee or SST chair will request RSP attendance in the SST meeting. RSPs should be prepared to contribute to the development of the Student Attendance Support Plan.

A decision to reduce or remove a related service from a student's IEP due to truancy should not be made without consideration from the MDT to determine whether the student's non-attendance of service sessions is a manifestation of his/her disability.

Refer to the **DCPS Attendance Intervention Protocol** for the detailed protocol.

School Closure: School closed for holiday or emergency.

When school is not in session due to a scheduled holiday, delayed opening, or complete closure due to poor weather the missed service session(s) there is no requirement for makeup.

Summary:

The RSP is not required to make up missed service sessions under the following circumstances:

- Student absence (excused or unexcused);
- Student refusal to participate or attend; or
- School closed for holiday or emergency.

However, DCPS has an obligation to ensure appropriate services are delivered. Therefore, the IEP team may consider alternative service delivery options or a change in services based on the student's availability for the particular service type and delivery modality. Examples of this include: service delivery in the classroom, a consultation delivery model, transition out of the current service type and replacement with different services (e.g., exit from speech/language services and increase research-based reading intervention).

Procedures for Documentation

Missed Service Sessions

The RSP must log all missed service sessions in the SEDS *Service Logging Wizard* indicating:

- Date of missed service session;
- Service type (e.g., student absent, student unavailable, provider unavailable, school closure);
- Duration of service scheduled (Service duration must be documented even if a student is absent; if the student receives only partial service, document the altered duration.);
- Group size;
- "Progress Report" (e.g., just introduced, mastered, no progress, not introduced, progressing, regressing); and
- "Comments" box
 - Document why the service session was missed (e.g., student unavailable, student absent, provider unavailable, school closure); and
 - List action taken to ensure service delivery (e.g., contacted the parent/guardian, talked with the teacher, contacted the student).

Make-Up Service Sessions

The RSP must log all make-up service sessions in the SEDS *Service Logging Wizard* indicating:

- Date and time of service provided;
- Service type (e.g., student absent, student unavailable, provider unavailable, school closure);
- Duration of the service provided;
- Group size;
- "Progress Report" (e.g., just introduced, mastered, no progress, not introduced, progressing, regressing); and
- "Comments" box
 - "MAKE UP SERVICE SESSION for Missed Session on XX/XX/XXXX." In addition, record progress note standards for service sessions delivered; and
 - List action taken to ensure service delivery (e.g., notified the parent/guardian of the make-up service session dates(s)).

Make-Up Service Session Attempts

The RSP is required to attempt to make up a service session three times. Any failed attempt prior to the third scheduled make-up session should be logged in the SEDS communication log. The log should include:

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- Attempted date and time of service session; and
- Which attempt it was (e.g., first or LEA).

Upon the third failed attempt the scheduled missed make-up service session should be logged in the *SEDS Service Logging Wizard* indicating:

- Attempted date and time of service session;
- Service type (e.g., student absent, student unavailable, provider unavailable, school closure);
- Which attempt it was (e.g., third);
- Duration of service attempted (number of minutes or zero minutes);
- Group size;
- "Progress Report" (e.g., just introduced, mastered, no progress, not introduced, progressing, regressing); and
- "Comments" box
 - Add notation "MAKE UP SERVICE SESSION for Missed Session on XX/XX/XXXX."
 - List action taken to ensure service delivery (e.g., contacted parent/guardian, talked with the teacher, contacted the student).

After three attempts have been made and documented in an effort to make up the missed service session(s), and the District has exercised due diligence, attempts to implement a make-up session for the missed session(s) are discontinued.

PLEASE NOTE: When all three attempts to make up a missed service session do not occur only the third make-up attempt should be logged in the *SEDS Service Logging Wizard*. The date of the missed session indicated in the "comments" box (e.g., XX/XX/XXXX) must reflect the date of the regularly scheduled missed service session for which the make-up service was covering. The previous failed attempts must be documented in the contact log (e.g., spoke with the teacher when the student was absent to schedule the make-up session, called parent/guardian) as outlined above.