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Missed Related Services and Untimely Assessment Guidelines

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I. Executive Summary

A. Introduction

The District of Columbia Public Schools (DCPS) provides related services as illustrated in student's Individualized Education Plan (IEP) in accordance with federal and local law. DCPS seeks to provide consistent service delivery to meet the needs of its students and legal obligations. For this reason, **related service providers** (RSPs) must provide consistent service delivery to help students function with greater independence. Related service providers are also responsible for creating supporting documentation and acting to ensure student access to needed services. When delivery of a service is impeded, the RSP is responsible for documenting due diligence consistent with these guidelines. This document delivers the procedures necessary when a student or provider misses service session. It also deliver the guidance for the procedures to follow for untimely assessments. Bolded terms will be defined in the glossary at the end of the document. For further information regarding these guidelines, please direct your question to Division of Specialized Instruction (dcps.relatedservices@dc.gov).

B. Purpose

The purpose of this document is to provide guidance to related service providers (RSPs) regarding required actions for missed service sessions and untimely assessment. DCPS is required to ensure all students with disabilities receive free appropriate public education (FAPE) consistent with their individualized education program (IEP).¹ These guidelines clarify the roles and obligations of RSPs, identify when and by when missed related service sessions must be made up, and explain how to document missed, make-up, and attempted make-up service sessions.

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 addressed². 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. Since truant students often miss related service sessions, RSPs are uniquely situated to assist in increasing attendance and reducing truancy for special education students.

These guidelines address due diligence for service delivery to truant students and instruct RSPs on how to support truancy prevention. This document also provide necessary information for monitoring student engagement through service delivery, engaging parents in problem solving, and adhering to district reporting requirements for student attendance. RSP providers in every discipline should adhere to these guidelines and all other specialized instruction policies.

¹ See OSEP Response Letter Guidance (Mar.8 2016) available at <http://www.asha.org/uploadedFiles/advocacy/federal/idea/OSERPResponseLetterGuidance.pdf> (interpreting 34 CFR §300.101).

² 61 DCR 222

II. Missed Related Service Sessions Scenarios and Due Diligence Procedures

A. Provider Unavailable

1. Provider not available for schedule service session(s) (e.g., sick leave, annual leave, attending an IEP meeting, professional development)

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

- a) The RSP will schedule a make-up service session for the missed service session(s) during the quarter in which the missed service session(s) occurred. If the missed service session(s) occurred during the last week of the quarter, it must be made up within the first week of the following quarter. This policy ensures 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) by the following quarter, he/she must notify the program manager.
- b) When the RSP absolutely cannot make up the session(s), and notifies the program manager, the program manager must assign a substitute provider to make up the missed service session(s) during the quarter in which the missed service session(s) occurred or develop an alternative option with the RSP and LEA. If the missed service session(s) occurred during the last week of the quarter, it must be made up within the first week of the following quarter.

B. Student Unavailable

1. Student in school, but not able to attend session

a) Student Attendance at School-Related Activities (e.g., field trip, assemblies): If a service session is missed because of student attendance at a school-related activity the RSP must:

- Consider the impact of the missed service session on the child's progress and performance and determine next steps to ensure the provision of FAPE. Determine whether missed session must be made up according to the following criteria:
 - If the missed service session due to the student's unavailability has caused a negative impact on the student's progress or performance, the missed session must be made up.
 - If the missed service session due to the student's unavailability has not caused a negative impact on the student's progress or performance, the missed session does not need to be made up.
- Document this determination in the **Service Log** in SEDS for that missed service session due to student unavailability and state the reason for the student's unavailability.

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

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

- The RSP must
 - Document each missed service session;
 - Contact the teacher, attendance coordinator, and parent/guardian to determine the reason for the student's absence;
 - Document contacts, attempted contacts, and outcomes in the SEDS communication log;

- Inform the Special Education Coordinator (SEC) via email that the student was absent or refused to participate and that the information has been documented.
- 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 3rd 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 and appropriate public education (FAPE)**. Student attendance records should be reviewed at the meeting when making the determination.
- The SEC must:
 - Contact the parent/guardian at least three times using multiple modalities (e.g., written, phone, email, and 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 parent/guardian 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. In this case an *IEP Team Member Excusal Form* must be completed in SEDS. **However, the RSP for the service sessions in question must be in attendance and cannot be excused from this meeting.** 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 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*.

The parent's/guardian's signature must be obtained on the IEP and/or the Prior Written Notice (PWN) before the delivery of services can be modified. 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.

While there is no requirement to make up missed service sessions due to student absence or refusal to participate, DCPS seeks to ensure that related services are delivered despite the reason for missed service sessions. Therefore, the IEP team should consider alternative service delivery options or a change in services when a student's 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). Appropriate alternative service delivery does not include inclusionary delivery of services (e.g., RSP attends assembly with student as part of his/her service session).

C. Multiple Student Absences/Truancy and Suspension

1. Student absent from school and scheduled service sessions

a) Truancy with or without approval, parental knowledge, or consent) The District of Columbia Compulsory School Attendance Law 8-247³ and DC Municipal Regulations Title V Ch. 21⁴ 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:

- Truancy charges may be filed against the parent or student;
- Neglect charges may be filed against the parent;
- The 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.

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

- a) Speak with the teacher and Attendance Counselor / Attendance Designee to determine reason for the student's absence;
- b) Check ASPEN to provide information regarding the student's absence;
- c) 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*);
- d) Document the contact with the student's guardian in the SEDS **Communication Log**;
- e) Document each missed session in an entry the Service Log in SEDS (see examples below);
 - "Attempted to provide (state related service), however (name of student) is absent per report of classroom teacher (name teacher). Per ASPEN 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)"; and
- f) Notify the LEA or case manager via email within 24 hours of the missed service session.

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

- a) Contact the student's parent or guardian by making a home phone call;
- b) Inform the teacher, Attendance Counselor / Attendance Designee to determine what staff has already done to address attendance concerns;
- c) Inform the LEA/Case Manager of the absences and attempts to contact the student's parent or guardian; and

³ D.C. Law 8-247, § 2(a), 38 DCR 376, D.C. Law 20-17, § 303(a), 60 DCR 9839

⁴ 5-A DCMR § 2103

- d) Document the attempts to service the student and contact the student's guardian in the SEDS Communication Log and in the Service Log.

4. Per DCPS' Attendance Intervention Protocol, after five (5) unexcused absences:

- a) The Attendance Counselor / Attendance Designee will mail an Unexcused Absences ASPEN letter to the student's home requesting an attendance conference;
- b) Student is referred to the Student Support Team (SST);
- c) Student, parent or 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;
- d) Follow up within 10-days to track student's progress on next steps identified in attendance conference. The SST Team will follow up with programs/resources identified for support during attendance conference to determine if student/family is participating; and
- e) A home visit must be conducted by the SST Team 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* provided below for the detailed protocol.

E. Student Suspension from School

1. Suspensions lasting ten (10) days or less

IDEA allows school administrators to apply short-term disciplinary removals of students with disabilities and students suspected of having disabilities for up to ten consecutive school days or ten accumulated school days throughout the course of the school year.

If a service session is missed due to a short-term disciplinary removal from school the RSP must:

- a) Consider impact of the missed service session(s) on the child's progress and performance and determine next steps to ensure the provision of FAPE. Determine whether missed session must be made up according to the following criteria:
 - If the missed service session due to short-term suspension has caused a negative impact on the student's progress or performance, the missed session must be made up.
 - If the missed service session due to short-term suspension has not caused a negative impact on the student's progress or performance, the missed session does not need to be made up.
- b) Document this consideration in the Service Log for the missed service session(s).

2. Suspensions beyond ten (10) consecutive or accumulated school days

Any additional removal beyond ten consecutive school days or ten accumulated school days constitutes a change in placement for the student. Under these circumstances, the IEP team must meet to determine:

- a) The setting for the Individual Alternative Educational Setting (IAES);
- b) The services that will be provided to the student at the IAES in order for the student to meet the student's IEP goals;
- c) If additional services are necessary to ensure the misbehavior does not continue into the IAES; and
- d) How the student will continue to participate in the general education curriculum.

On the 11th day of a student's removal from school, educational services must begin at the IAES. The IDEA's procedural safeguards require that all students with disabilities who have been suspended or expelled from school still must receive a free and appropriate education, which includes services provided to the student at the IAES in order for the student to meet his or her IEP goals. RSPs must provide services in the IAES regardless of whether the incident leading to suspension was a manifestation of the student's disability.

E. Administrative Circumstances

1. Student Withdrawn from ASPEN but showing in SEDS

If the school registrar has completed the steps to withdraw a student from ASPEN but the student is still showing in SEDS, the RSP must:

- a) Document the missed service session (see *Procedures for Documentation*); and
- b) Document as "student unavailable".
 - The Service Log entry must include:
 - Date student was withdrawn in ASPEN;
 - Reason for withdrawal (noted in ASPEN); and
 - Attending school if known.
- c) Continue to document the missed services until the student is no longer showing in SEDS.

F. 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 there is no requirement to make up the missed service session(s).

III. Documentation for Missed and Make-Up Sessions

A. Missed Service Sessions

1. SEDS Service Log Procedures

For all missed service sessions, the RSP must complete the SEDS Service Log as follows:

- a) Include detailed information to identify the missed service section and the student's progress:
 - 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; and
 - "Progress Report" (e.g., just introduced, mastered, no progress, not introduced, progressing, regressing).
- b) Complete the "Comments" box in the SEDS Service Log:
 - 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).

2. Documenting Missed Services if Student is Unavailable

As mentioned above, in certain cases of "student unavailable," consider and document the impact of the missed session on the child's progress and performance. If the missed session has impacted the student's progress or performance, indicate that services will be made up and include the make-up plan dates. If the missed session has not impacted the student's progress or performance, please indicate and provide supporting data.

B. Make-Up Service Sessions

1. SEDS Service Log

- a) The RSP must log all delivered or attempted make-up service sessions in the SEDS Service Log as follows:
 - Include detailed information to identify the missed service section and the student's progress:
 - Date and time of make-up service provided;
 - Service type (e.g., student absent, student unavailable, provider unavailable, school closure);
 - Duration of the service provided (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).
- b) Complete the "Comments" box in the SEDS Service Log:

- Describe the session (i.e. “MAKE UP SERVICE SESSION for Missed Session on XX/XX/XXXX”);
- 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)).

C. Make-Up Service Session Attempts

1. SEDS Procedures for Session Attempts

The RSP is required to attempt to make up a service session three times. All attempts at make-up service sessions should be documented in SEDS as follows:

- a) Any failed attempt prior to the third scheduled make-up session should be logged in the SEDS Communication Log, including:
 - Attempted date and time of service session; and
 - Which attempt it was (e.g., first, second, third, etc.).
- b) Upon the third failed attempt the scheduled missed make-up service session should be logged in the SEDS Service Log 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., first, second, third);
 - Duration of service attempted (number of minutes or zero minutes);
 - Group size; and
 - “Progress Report” (e.g., just introduced, mastered, no progress, not introduced, progressing, regressing).
- c) When documenting the third failed attempt, complete the “Comments” box in the SEDS Service Log:
 - Describe the session (i.e. “MAKE UP SERVICE SESSION for Missed Session on XX/XX/XXXX”); and
 - List action taken to ensure service delivery (e.g., contacted parent/guardian, talked with the teacher, contacted the student).
- d) After three attempts have been made and documented in an effort to make up the missed service session(s) and DCPS has exercised due diligence, attempts to implement a make-up session for the missed session(s) can be discontinued.

IV. Untimely Assessments Scenarios and Due Diligence Procedures

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.

A. Student Unavailable

1. 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:

- a) The Related Service Provider (RSP) assigned to complete the assessment must:
 - Contact the teacher, attendance coordinator, and parent/guardian to determine the reason for the student's absence;
 - Document the reason for the student's absence for each time a scheduled assessment is missed;
 - Reschedule the assessment with the parent/guardian and document the agreed upon session in the SEDS communication log; and
 - Document contacts, attempted contacts, and outcomes in the SEDS communication log;
 - Inform the Special Education Coordinator (SEC) via email that the student was absent or refused to participate and that the information has been documented.
- b) The SEC must:
 - Contact the parent/guardian at least three times using multiple modalities (e.g., written communication via letter, phone call, and email message when available). 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.
- c) 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. Refer to discipline program guidebooks for the required elements of the alternative assessment report.

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 such as teleconference or virtual communication tools such as Skype.

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*.

2. No Parent/Guardian Consent for Initial Evaluation


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

- a) Contact the parent/guardian at least three times using multiple modalities (e.g., letter, phone, email when information is available). Importantly, RSP shall not if contact information is wrong or unavailable in the communication log after each attempt to access parent/guardian contact information. One contact must be written correspondence sent by certified mail with a return receipt;
- b) Document contacts, attempted contacts, and outcomes in the SEDS communication log;
- c) 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
- d) 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.

Appendices




Appendix A: DC Public Schools Attendance Intervention Protocol

****Connect-Ed calls to absent students occurs daily ONLY when absence is recorded the same day as absence****

# OF ABSENCES	SCHOOL ACTION	DISTRICT ACTION	LEGAL ACTION
1 & 2 (Total)	a. Teacher calls home ➤ Teachers should inform Attendance Counselor (AC)/ Designee (AD) of any contact attempted/made with parent and on non-working phone numbers.	a. **Connect-Ed calls to absent students (occurs daily)**	
3 (Unexcused)	a. AC/AD mails 3-Day Unexcused Absences Attendance Notice STARS letter and mails to student's home (elementary and middle school and educational center students only).	a. Connect-Ed call from Chancellor	
5 (Total)	a. AC/AD mails 5-Day Total Absences Attendance Notice STARS letter and mails to student's home. ➤ AC/AD submits 5-day letter to nurse to: ✓ Check for the Universal Health Form ✓ Contact family ✓ Develop Individual Health Plan for students (i.e. Asthma Action Plan)		
5 (Unexcused) & MPD Pick-ups	a. AC/AD mails 5-Day Unexcused Absences STARS letter to the student's home requesting an attendance conference b. Student is referred to the Student Support Team (SST) c. Determine and document root cause of absences and intervention in STARS ➤ 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** d. Home visit must be conducted, if parent is not responsive to meeting request	a. OYE will monitor 5-day meeting compliance rate b. OYE will review root causes to identify common themes in need of system wide action.	
7 (Unexcused)	a. AC/AD mails MPD warning letter		
10 (Total)	a. AC/AD mails 10-Day Total Absences STARS letter to the student's home arranging an attendance conference; ➤ Student, parent/guardian and appropriate school officials meet to develop or modify Student Attendance Support Plan to connect the family to in-school or community resources and city agencies, and to make recommendations for next steps b. If parent is non-responsive to meeting request, student is referred to SST		

Missed Related Service Sessions, Truancy and Due Diligence Guidelines

****Connect-Ed calls to absent students occurs daily ONLY when absence is recorded the same day as absence****

# OF ABSENCES	SCHOOL ACTION	DISTRICT ACTION	LEGAL ACTION
10 (Unexcused) Student becomes "chronically truant"	Elementary and middle schools and educational centers (ages 5 – 13): a. If attendance interventions have been executed and documented in STARS;; ➤ AC/AD will complete CFSA educational neglect referral form and email to CFSA.EdNeglect@dc.gov and include Attendance Specialist on email b. Document referral in STARS adhoc field High school students (ages 14 and up): c. AC/AD refers student to SST for follow-up. SST meets to review student's progress and revise the Student Attendance Support Plan d. SST will notify administrators of all students reaching 10 unexcused absences	a. OYE will monitor CFSA referral compliance rate b. OYE will notify MPD & OSSE of all students with 10+ unexcused absences	
15 (Unexcused)	a. If all interventions have been executed and documented in DC STARS, AC/AD, in conjunction with their attendance specialist, will refer student/family to court in conjunction with Attendance Specialist (students ages 5-17 only) b. Document submission to OYE in STARS adhoc field	a. OYE will approve and send court referral to OAG/CSS b. OYE will monitor court referral compliance rate	
16+ (Unexcused)	a. Continue to monitor student's progress and modify Student Support Plan		
20* (Unexcused Consecutive)	b. AC/AD mails letter to student's home to notify parent/guardian that the student is eligible to be withdrawn from school ➤ School must have executed all the above interventions before withdrawal	a. Attendance Specialists will review list of students that have been withdrawn and will refer dropped students to Student Placement Team	

Additional Instructions for MPD Drop-offs

1. Student goes to designated office to sign in
2. AC/AD documents time of entry in adhoc MPD field in STARS
3. AC/AD contacts student's parent/guardian to inform them of MPD pick up
 - a. Print and send STARS MPD Pick Up letter requesting a meeting within 5 days of pick up
4. AC/AD convenes **Attendance Conference** with parent/guardian to develop Student Support Plan

Appendix B: Glossary

Communication Log

Tab in SEDS where all communications with parents should be documented in detail. Log entries should include date, mode of outreach (i.e. phone call, e-mail), summary of communication, and parent response.

FAPE (Free Appropriate Public Education)

Public education special education and related services that a) are provided at public expense, under public supervision and direction, and without charge; b) meet the standards of the SEA, including the requirements of this part; c) include an appropriate preschool, elementary school, or secondary school education in the State involved; and d) are provided in conformity with an individualized education program (IEP)" (34 CFR 300.17).

IEP Meeting

A written statement for each child with a disability that is developed, reviewed, and revised in a meeting that includes a) a statement of the child's present level of academic achievement and functional performance; b) a statement of measurable annual goals, including academic and functional goals; c) a description of how the child's progress toward meeting the annual goals will be measured; d) a statement of the special education and related services and supplementary aids and services to be provided to the child and a statement of the program modifications or supports or school personnel that will be provided to the child; e) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on assessments; and f) the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

Related Service Providers (RSPs)

Related Service Providers (RSPs) provide wrap-around services for students. These positions include speech-language pathologists, social workers, school psychologists, and school counselors, etc.

Service Log

Tool in SEDS where all services (including those provided, missed, attempted, and made-up) should be documented in detail. Log entries should include date, duration of session, and summary of session.

Truancy

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