

DEVELOPMENTAL DISABILITIES ADMINISTRATION
Olympia, Washington

TITLE:	ACCESS TO EDUCATION FOR SCHOOL-AGED YOUTH	18.04
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Authority:	45 C.F.R. Section 84.54 Chapter 28A.155 RCW RCW 28A.190.030 through 060 RCW 71A.20.070 Chapter 392-172A WAC	Education of Institutionalized Persons Special Education Residential Education Programs Educational Programs Rules for the Provision of Special Education
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BACKGROUND

All school-aged youth shall have the opportunity for an appropriate education at public expense as guaranteed to them by the Constitution of Washington State and applicable federal laws. (See [RCW 28A.155.010.](#))

Timely and appropriate public education is required by [Section 504 of the Rehabilitation Act of 1973](#) and its implementing regulations under [45 C.F.R. Part 84](#).

PURPOSE

This policy establishes procedures that ensure school-aged youth admitted to Youth Transitional Care Facilities receive timely and appropriate public education in the least restrictive environment.

SCOPE

This policy applies to all DDA field and headquarters staff working with youth approved for admission to a Youth Transitional Care Facility.

DEFINITIONS

Education in the least restrictive environment means the provision of services to each student provided to the maximum extent appropriate in the general education environment with students without disabilities. Special classes, separate schooling, or other removal of students

eligible for special education from the general educational environment will occur only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. (See [WAC 392-172A-02050](#).)

Free appropriate public education or **FAPE** under Section 504 rules, [34 C.F.R. § 104.33](#), consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. FAPE under special education rule [WAC 392-172A-01080](#), means special education and related services that:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet the standards of the Office of Superintendent of Public Instruction (OSPI), and the Individuals with Disabilities Education Act;
3. Include an appropriate preschool, elementary school, or secondary school education in the state; and
4. Are provided in conformity with an individualized education plan (IEP) that meets the requirements of [WAC 392-172A-03090 through WAC 392-172A-03135](#).

Individualized education program or **IEP** means a written statement of an education program for a student eligible for special education that is developed, reviewed, and revised in accordance with [WAC 392-172A-03090 through WAC 392-172A-03135](#). (See [WAC 392-172A-01100](#).)

Parent means a person with educational decision-making rights per [WAC 392-172A-01125](#), which may be the parent or court appointed legal guardian, or a surrogate parent appointed in accordance with [WAC 392-172A-05130](#), but not the state, if the student is a ward of the state.

Receiving school district means the school district the youth must enroll in while admitted to the facility.

School-aged youth means a youth who is within the age range for eligibility for FAPE as defined by [WAC 392-172A-02000](#).

School day means any day, including a partial day that students are in attendance at school for instructional purposes, including students with and without disabilities. (See [WAC 392-172A-01050](#).)

Section 504 plan means a plan that describes the regular or special education and related aids and services a student needs and the appropriate setting in which to receive those services.

Sending school district means the school district the youth is enrolled in at the time, before admission, or last enrolled in.

POLICY

The facility staff must collaborate with all school-aged youth, their parent(s), and the receiving school district to ensure timely access to FAPE in the least restrictive environment. Collaboration includes:

- A. Obtaining consent from the parent to communicate with the sending and receiving school districts.
- B. Ensuring every youth has enrolled in the receiving school district no more than ten school days after admission to the facility.
- C. Ensuring every youth receive access to FAPE and is provided the necessary services consistent with [WAC 392-17A-02000](#).
- D. Coordinating the youth's IEP with their Individualized Treatment Plan (ITP).
- E. Identify the DDA CRM or DCYF case manager that must provide case management to the youth while at the facility.

PROCEDURES

- A. When the facility admits a school-aged youth, the facility must:
 - 1. Identify the parent (i.e., the person with educational decision-making authority). Per [WAC 392-172A-01125](#), this may be the parent or court-appointed legal guardian, or a surrogate parent appointed in accordance with [WAC 392-172A-05130](#), but not the state, if the student is a ward of the state.
 - 2. Obtain consent from the parent to communicate with the receiving school district and sending school district.
 - 3. Notify the receiving school district of the upcoming admission.

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4. Identify a primary point of contact for education coordination within the facility and must request that receiving school district identify a primary point of contact for education coordination.
 5. Invite the receiving and sending school districts and the DDA CRM or DCYF case manager to the facility preadmission meeting(s).
 6. During the preadmission meeting, inform all interested parties about the role of the facility to support the school-aged youth to access school.
- B. The facility must assist the school-aged youth to enroll in the receiving school district.
- C. The facility must inform the receiving school district no more than three business days or as soon as possible after any change in circumstances, such as an unexpected discharge, that may lead to change in enrollment.
- D. The facility must confirm the school-aged youth is enrolled and receiving educational services from the receiving school district no more than ten school days after admission to the facility.
- E. As long as the school-aged youth is receiving services at the facility, the identified facility point of contact for education coordination must:
1. Support the youth and parent in making a referral for special education evaluation if the youth does not have an IEP.
 2. Support the youth and parent to attend and participate in all IEP meetings.
 3. Together with the youth and parent and on invitation from the parent or school district, invite the DDA CRM or DCYF case manager to participate as a member in all IEP meetings and the development of the IEP to ensure that the youth's IEP is designed to meet their individual needs.
 4. Support the provision of special education and related services by the school district to ensure the student is receiving necessary services in the least restrictive environment.
 5. Coordinate the youth's IEP or Section 504 plan with the youth's ITP by reviewing the youth's progress with the school district's identified point of contact at least quarterly.
 6. Communicate changes in the youth's ITP with the school district.
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7. Document any interactions and communication with the receiving school in the youth's electronic health record as a progress note.
 8. Work with the IEP team if there are concerns about youth's access to FAPE in the least restrictive environment.
- F. If the facility has concerns about the youth's access to FAPE, and the concerns are not resolved through collaboration with the IEP team, the facility's identified point of contact for education coordination must immediately contact the parent and the school district's special education director regarding concerns such as:
1. The youth's IEP or Section 504 plan is not being implemented;
 2. Services are not being provided in the least restrictive environment; or
 3. It is unclear who has educational decision-making authority.
- G. If contact with the school district does not lead to a timely resolution of the facility's concerns, the facility's point of contact or designee must notify the Executive Director or designee of the situation. In consultation with the Executive Director or designee, the facility's point of contact or designee must take additional steps to try to resolve the concerns, which could include:
1. Internal consult with the:
 - a. DDA Educational Liaison Program Manager; or
 - b. DDA Central Office governing body.
 2. Consultation with the OSPI Special Education Parent and Community Liaison.
 3. Determination if a formal special education community complaint should be filed as specified in [WAC 392-172A-05025](#).
- H. MONITORING
1. The Executive Director or designee must:
 - a. Monitor facility staff to ensure that procedures in this policy are followed;
 - b. Support the provision of special education and related services to ensure the provision of FAPE to school-aged youth receiving services at the facility; and
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- c. Implement the resolution process described in Procedure Section (G) above, if necessary.
2. The DDA Quality Management Team must monitor the facility's compliance with this policy on an annual basis for all school-aged youth residing at the facility.
3. The DDA Division of Strategic Planning and Quality Compliance must monitor compliance with this policy and procedures annually and follow up on any complaint or concern raised in the resolution process described in Procedure Section (G).

EXCEPTION

Any exception to this policy must have the prior written approval of the Deputy Assistant Secretary or designee.

SUPERSESION

None.

Approved: _____
Deputy Assistant Secretary
Developmental Disabilities Administration

Date: July 1, 20224