



# North Dakota Department of Public Instruction

## Special Education Responsibilities of a Private Residential Facility

Sept., 2013

### Private Residential Facility with an Approved School

The following are special education responsibilities of a private residential facility with an approved educational program when placements are made to that facility either by a resident district or by a North Dakota public agency such as the Department of Human Services. The facility will need to provide evidence of meeting each of these responsibilities when monitoring is conducted by the Special Education Unit of NDDPI. A monitoring activity that looks at adherence to these responsibilities will occur every 5 years to ensure compliance, and more often when complaints received by the Special Education Unit warrant.

Responsibility	Evidence of Compliance	Discussion
<p>1. Annually gain approval as an “approved” school from State Superintendent’s office.</p> <p>-NDCC Section 15.1-06-06.1</p>	<p>Compliance is met if the facility’s school program is on the state approved list of North Dakota schools.</p>	<p>All schools in North Dakota must seek annual approval from the state Superintendent’s office. That application must be made by October of each year.</p>
<p>2. Notify resident district of the implementation of comparable special ed. services when a placement is made by an agency and the student has an Individual Education Program (IEP).</p> <p>-CFR 300.323 -Admin. Rule 67-23-02-03 -Instructions of DPI form SFN 16927</p>	<p>Compliance is met if the facility can show that they have made such notification to the resident district or its special education unit director for each student. It is suggested that the facility keep all communications regarding the student in the communication log mentioned below.</p>	<p>The resident district will have received notice of placement by the placing agency and must make sure that the most current IEP is accessible in TieNet. Under the federal regulation, the resident district is responsible for making sure that comparable services are implemented. The notice from the facility should inform the district that the facility is aware of the current, incoming IEP and that it will implement services that are comparable as soon as possible; and invite the resident district to the meeting to discuss the program changes necessary because of the change in placement.</p>
<p>3. Record communications with parents for each student that is eligible for special education and related services.</p> <p>Admin. Rule 67-23-02-03</p>	<p>Compliance is met if the facility has communications recorded for each student who is eligible for special education services throughout the year or term of their enrollment at the facility.</p>	<p>Admin. Rule requires the facility to share educational records with the resident district. Communications with parents are defined as educational records and must therefore be recorded in order to be shared. Each resident district and its Special Education Unit require a record of communications by each special education teacher to verify such communication in case of a dispute, complaint, or due process action. Those communications are recorded in a log that has each communication dated &amp; summarized. It is suggested that the facility record communications in the same manner.</p>
<p>4. Cooperate with resident district in the completion of the necessary paperwork for the NDDPI Student Contract and thus the reimbursement that is made through the Department of Public Instruction.</p> <p>-NDCC 15.1-32-15 -Admin. Rule 67-23-02-03</p>	<p>Compliance is met if DPI has a completed contract for each student signed by both the resident district and the facility.</p>	<p>The contract outlines the services that will be provided and drives the reimbursement process for the educational costs, as well as the boarding costs, if appropriate.</p>

Responsibility	Evidence of Compliance	Discussion
<p>5. Involvement in each meeting to establish the special ed. program so as to commit resources of private facility.</p> <p>-Admin. Rule 67-23-02-03 -DPI form SFN 9452 -DPI form SFN 16927</p>	<p>Compliance is met if a representative of the facility is listed as participating on the cover page of the IEP for each student. It can also be met if the facility and resident district have described the involvement of the facility's personnel on DPI Form SFN 9452, if there was not a representative at the meeting.</p>	<p>The participation of an LEA representative who can commit district resources is required in federal regulations. The participation of a facility representative demonstrates a commitment of facility resources to the implementation of all special education and related services outlined on the IEP.</p>
<p>6. Provide special ed. and related services listed on IEP and outlined in contract with resident district.</p> <p>-Admin. Rule 67-23-02-03 -DPI Contract and Information sheet accompanying DPI form SFN 9452 and form SFN 16927</p>	<p>Compliance is met if the facility can demonstrate that it implemented the special education and related services for each student as discussed at the IEP meeting and according to the frequency and duration listed on the IEP. If not, compliance can still be met if the facility notified the resident district of changes, reasons for such changes and its rescheduling/make up efforts. It is suggested that the facility include such notifications in the communication log. (See #3)</p>	<p>The IEP outlines what was discussed and agreed to at the IEP team meeting. The resident district and facility need to provide evidence of the correct implementation of the IEP and reconvene the IEP team if a problem arises that may be cause for the IEP to not be implemented as written. The resident district and the facility need to provide evidence of the implementation of services to DPI in order for DPI to correctly calculate the reimbursement.</p>
<p>7. Communicate with resident district/special ed. unit to assist them in demonstrating supervision requirements.</p> <p>-CFR 300.17 -NDCC 15.1-29-14 -Admin. Rule 67-23-02-03 -DPI Information sheet accompanying DPI form SFN 9452 and form SFN 16927</p>	<p>Compliance to this responsibility is met if the facility can show that there were communications with the resident district regarding implementation of the program and progress of the student. (See #2, #3, #6 &amp; #9 regarding communication log)</p>	<p>Under the FAPE provisions of federal regulations, the special education program must be under the direct supervision of the public education system. In North Dakota, the responsible public education system is defined as the resident district. SFN 9452 describes this resident district responsibility as an annual evaluation of the program. NDCC requires the facility to report progress and share records with the resident district. By signing the contract for services, the facility is agreeing to cooperate with the resident district in that effort.</p>
<p>8. Negotiate with resident district/special ed. unit as to the IDEA procedures &amp; TieNet entries. Outline on DPI checklist.</p>	<p>Adherence to this responsible practice can be met with a completed DPI checklist.</p>	<p>With any placement, the facility assumes some case management responsibilities. The checklist outlines the IDEA procedures that are needed and designates whether the resident district or facility is responsible to carry out the procedures and the TieNet entries as part of those responsibilities.</p>
<p>9. Provide resident district/special ed. unit &amp; parents with progress reports.</p> <p>CFR 300.320 Admin. Rule 67-23-02-03</p>	<p>Compliance is met if the facility has progress reports entered in TieNet for each student. There should also be a listing of the reports sent to parents and the resident district in the communication log. (see #3)</p>	<p>ND Administrative Rule requires communications regarding progress throughout the year or throughout the term of the contract, but for students with disabilities, ND Admin. Rule &amp; federal regulations would require progress reports as often as is provided to students without disabilities in the school, or as listed in the student's IEP.</p>
<p>10. Involvement in subsequent meetings for IDEA procedures and to transition student back to resident district or some other placement.</p> <p>-Admin. Rule 67-23-02-03</p>	<p>Compliance is met if a representative of the facility is listed as participating on the cover page of the IEP. Adherence can also be demonstrated if the resident district has recorded input and comment from facility personnel in its meeting notes or student profile.</p>	<p>The participation of a facility representative allows meaningful discussion regarding the progress of the student, the present levels of functioning and the services needed in order to continue the program at the facility with changes, or provide a positive transition from the facility to another placement.</p>