

OSPI Special Education Division Questions & Answers: Safety Net Funding for Services Provided in Out-of-District Placements

This question & answer document will provide answers to frequently asked questions for submitting High-Need Individual applications for students served in out-of-district placements both in-state and out-of-state. This guidance does not replace the [2023-24 Safety Net EGMS Application User Guide](#). It is meant to address specific questions related to reimbursement of students placed outside of the district at authorized nonpublic agencies (NPAs) or students placed under the authority of Section (2) of WAC [392-172A-04080](#). Current as of February 14, 2024.

Question #1: How do we document placement at an out-of-state residential treatment facility on the student's individualized education program (IEP)?

Answer:

There are multiple ways to document these services within the IEP. Some potential places and examples are as follows:

Team Considerations or Consideration of Special Factors

If a student has behavioral needs that necessitate an out-of-district placement for behavioral support, it would be appropriate to state the reasons here and/or point the reader to other appropriate places in the IEP where this need is discussed in detail.

Example 1: *Student is a danger to themselves and others, and this behavior negatively impacts the student's ability to access specially designed instruction within their current school and district overall. Refer to the Social-Emotional Behavior Present Levels, the Functional Behavioral Assessment (FBA), and Behavioral Intervention Plan (BIP) for more detailed information.*

Example 2: *The nature and severity of the student's disability requires significant interventions beyond their school day or current school/district settings to access specially designed instruction. The details are discussed throughout this IEP as appropriate.*

Medical-Physical Present Levels

Some students require out-of-district placements as there might be co-occurring medical reasons that exacerbate a social-emotional or behavioral need. This section allows the IEP Case Manager to provide context. This section is not mandatory or expected but can provide context to the student's disability and its impact on the whole student.



Example 1: *Student has multiple disabilities associated with Autism including significantly low adaptive skills, cognitive disability, and severe behavior challenges (attacking, biting, hitting as well as self-injurious behavior of heading banging and self-biting, and elopement) that requires intensive applied behavioral analysis (ABA) services in a setting that that is designed for Student's physical safety (prevention of elopement, harm to self or staff) and staff with specialized training to assist the student behaviorally as well as academically.*

Example 2: (Related to a Section (2) placement for an evaluation) *Student has Autism and a potentially co-occurring mental health disorder. Current doctors report that the student's behavior is too extreme for a local evaluation to take place. The student harmed hospital staff and is unable to be evaluated. Student is being held in the local emergency room as parents report that the student harms family members. Student requires a medical and educational evaluation in order to accurately formulate an IEP that is designed to assist the student in making progress in the general education curriculum.*

Example 3: *Student has been engaging in self-medication requiring multiple hospitalizations and interventions and elopement behaviors. Student is unable to attend school and is at risk of running away. Doctors report [etc.].*

Present Levels: Social/Emotional/Behavioral

If a student is being placed primarily due to social/emotional needs or behavioral condition or disorder, the present levels would be an appropriate place to discuss the functional and academic performance of the student including what the team is recommending in order for the student to access instruction. The IEP team, for example, may describe the need for a more structured environment; the need for consistency 24-hours per day, seven days per week in order to mold behavior; and/or the need for more intensive, highly trained staff. The district could also address the change in methodology that is needed as a part of the student's specially designed instruction.

Least Restrictive Environment (LRE)

Students who are placed in a residential NPA should have this reflected on the LRE section of the IEP. The correct NPA should be listed on the IEP. There should also be an explanation of the extent to which the student will not participate with nondisabled peers.

Example 1: *Student requires 24-hour per day, seven days per week, year-round placement at [name of entity], a residential treatment center and an approved Washington State NPA in [location] paid for and sponsored by [name] School District. This NPA provides instruction in all academic courses and provides specially designed instruction and services as outlined in the Service Matrix. Student will not have access to general education peers due to the nature and severity of their disability and the impact of their disability on their access to services outside of a highly structured setting.*

Example 2: *Student requires 24-hour per day, seven days per week placement at a residential treatment center, paid for and sponsored by the [name] School District. Student will not have access to general education peers due to the nature and severity of services needed for stabilization.*

Service Matrix

On the service matrix, outline the specially designed instruction for the minutes in a school day. If, for example, the out-of-district placement specifies that their school day is 1900 minutes per week, make sure that the special education services add up to 1900. This calculation can be accomplished in a variety of ways, but the general rule is that since the student is placed in an out-of-state placement there should be 0% general education minutes. That said, note that this general rule may not always apply to students receiving transition services in the community or attending step-down programs.

Another way of accounting for the additional time a student is spending in a school sponsored program is to document the residential placement as a Related Service that is 24-hours per day, 7 days per week. One possible example of how this might be documented:

Concurrent	Service(s)	Service Provider	Service Monitor	Frequency	Location (Setting)	Start Date	End Date
Related Services							
Yes	Residential	NPA, Paid by SD	Special Education Administration	24hours/7 Times Weekly	Special Education	9/5/23	9/4/25

Note: This service needs to be listed as a concurrent service in IEP Online or it will affect your LRE calculation.

Question #2: How do we document Related Services such as Parent or Student Travel on the IEP? What other documentation would need to be provided?

Answer:

Related Services including therapeutic services (e.g., counseling, therapy, parent training) must be designed for the student to have a reasonable opportunity to benefit from special education. The related services, in other words, must be in direct support of the student’s IEP goals. These kinds of services should be documented in the IEP as well as on the Service Matrix.

Students placed in out-of-state facilities, in particular, may have varying degrees of transportation needs. They may include the initial transportation (by parent or contracted agency), onsite parent visits for training (i.e., therapeutic travel), student trips home for reintegration and practice (i.e., therapeutic travel), and travel home or to another less restrictive environment.

Example 1: This example describes Parent Travel to the NPA four times per year and student travel home four times per year. Describing each trip as a “session” allows the team to make therapeutic decisions as to the length of each trip (1 day vs 3 days) instead of delegating a total number of minutes to this service. The team may want to add more information in the Present Levels or Prior Written Notice that explains to the parents how the team will decide on the dates and length of the therapeutic travel.

It is recommended that districts include in a Safety Net application any parent communication around travel limitations (such as a cap on hotel expenses) as well as all receipts and proof of payment when submitting costs but, however, do not include these details in the IEP.

Concurrent	Service(s)	Service Provider	Service Monitor	Frequency	Location (Setting)	Start Date	End Date
Related Services							
Yes	Travel	Parent Visits Paid by SD	Special Education Administration	1 Session / 4 Times Annually	Special Education	9/5/23	9/4/25
Yes	Travel	Student Transportation To and From NPA Paid by SD	Special Education Administration	1 Session / 2 Times Annually	Special Education	9/5/23	9/4/25

Example 2: The student in this example requires travel escorts to the NPA since the IEP team has determined that it was not safe for parents to travel with the student. The documentation of travel escorts, along with a contract, purchase order, and receipts, allows this service to become a reimbursable expense. Note, in particular, that the service monitor can be anyone that the district designates. In most districts, since this kind of service involves flights and student escorts, administrators typically oversee/monitor these activities, but this role can be anyone that is designated to monitor this service.

Concurrent	Service(s)	Service Provider	Service Monitor	Frequency	Location (Setting)	Start Date	End Date
Related Services							
Yes	Travel	Student travel to NPA	Special Education Administration	1 Session / 1 Times Annually	Special Education	9/5/23	9/4/25
Yes	Travel	Student travel escorts	Special Education Administration	1 Session / 1 Times Annually	Special Education	9/5/23	9/4/25

Example 3: The student in this example is currently hospitalized and awaiting transfer to a residential treatment center/facility. The student was deemed unsafe by the hospital to be transferred without medical care. The district documented the need for the medical escort in the Medical Present Levels and added it to the Service Matrix as a Related Service.

Concurrent	Service(s)	Service Provider	Service Monitor	Frequency	Location (Setting)	Start Date	End Date
Related Services							
Yes	Travel	Student travel to NPA	Special Education Administration	1 Session / 1 Times Annually	Special Education	9/5/23	9/4/25
Yes	Travel	Medical escort	Special Education Administration	1 Session / 1 Times Annually	Special Education	9/5/23	9/4/25

Question #3: How do we document Extended School Year (ESY) for an NPA placement?

Answer:

In-state NPA's typically run on a traditional school calendar and offer ESY services although there are a few in Washington which have year-round programs. Students needing ESY should have an IEP indicating ESY and documentation of the need.

Most out-of-state residential treatment centers/facilities operate on a year-round basis. For those programs offering year-round programs, an ESY IEP is not required. It is best practice to document this aspect of the out-of-state placement in the IEP. One appropriate place would be in the LRE statement. The Prior Written Notice could be another; either method is compliant with Safety Net reviews. Furthermore, the residential treatment center/facility calendar should provide evidence to the Safety Net committee of their year-round operations.

Question #4: How do we document and bill for Medicaid when students are attending an in-state NPA?

Answer:

The in-state NPA is responsible for informing districts if they are billing Medicaid and being reimbursed. This arrangement should be accounted for on the district's monthly invoices. If this setup is in place, then be sure to include documentation in the district's Safety Net application. Conversely, if the NPA is not billing Medicaid for an eligible student, then make a note of this circumstance in the district's application as well.

Question #5: How do we document and bill for Medicaid when students are attending an out-of-state NPA?

Answer:

Most out-of-state residential treatment facilities are able to bill Medicaid for students residing in their state of placement. However, most residential treatment facilities have not filed the proper paperwork with the state of Washington to bill Medicaid here. If you have a Medicaid Eligible student and the NPA cannot bill, then make a note of this situation in the Comments of your Safety Net application.

Question #6: How is a Section 2 placement different than an NPA placement?

Answer:

Districts are authorized under Section (2) of [WAC 392-172A-04080](#) to still contract with an entity for placement when the entity does not meet NPA requirements. This entity does not have NPA status. In the student's IEP and for the Safety Net submission, however, there is no difference in how the district would document placement or services. The only necessary addition for Safety Net would be the attachment of the justification letter written to OSPI documenting the district's intent to contract with a non-approved entity under Section 2 of [WAC 392-172A-04080](#).

Question #7: Can districts be reimbursed through Safety Net for providing families the opportunity to view the NPA or residential treatment center/facility prior to placement?

Answer:

Families have the right to an opportunity to view NPAs or residential treatment center/facility, prior to a student being placed. (WAC [392-172A-05001\(2\)\(e\)](#)). This opportunity could be made available either virtually or in-person. This kind of travel, however, would be considered an indirect service instead of a therapeutic travel situation and thus no Safety Net reimbursement would be awarded.

For any additional questions, please email [Safety Net](#) at any time or contact the OSPI Special Education office at 360-725-6075.