



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**

# Nonpublic Agency (NPA) Field Guide

Guidance for Special Education Administrators

Special Education Division  
Washington State Office of Superintendent of Public Instruction  
(OSPI)

---

September 2025

# TABLE OF CONTENTS

|                                                              |    |
|--------------------------------------------------------------|----|
| Introduction.....                                            | 4  |
| The Why .....                                                | 4  |
| Purpose .....                                                | 4  |
| Glossary of Terms.....                                       | 5  |
| NPA Certification Process .....                              | 6  |
| Overview.....                                                | 6  |
| New Entity Process .....                                     | 8  |
| Prior to Placement.....                                      | 10 |
| Determination of Placement: The IEP Meeting.....             | 12 |
| Medical Versus Educational Placement .....                   | 12 |
| Doing The Research .....                                     | 13 |
| Choosing an NPA.....                                         | 13 |
| Hiring an Educational Consultant .....                       | 13 |
| Overview of the OSPI Initial NPA Authorization Process ..... | 14 |
| Steps in the NPA Research Process.....                       | 14 |
| Schedule a Visit to the Facility .....                       | 17 |
| Financial Considerations.....                                | 18 |
| Medicaid.....                                                | 18 |
| Private Insurance .....                                      | 18 |
| Safety Net Reimbursement .....                               | 19 |
| Once Placement Has Been Determined .....                     | 20 |
| Timelines.....                                               | 20 |
| LEA Monitoring Responsibilities.....                         | 20 |
| Setting Expectations.....                                    | 21 |
| Contracts .....                                              | 22 |
| Related Services.....                                        | 23 |
| Discharge Planning.....                                      | 25 |
| Special Circumstances .....                                  | 26 |

|                                                                             |    |
|-----------------------------------------------------------------------------|----|
| Placement of students when FAPE is at issue .....                           | 26 |
| Residential Treatment Centers.....                                          | 27 |
| Hospitalized or Homebound Students.....                                     | 28 |
| Justice-Involved Youth.....                                                 | 28 |
| Other State Agency Involvement.....                                         | 29 |
| The Washington State Department of Social and Health Services.....          | 29 |
| Developmental Disabilities Administration.....                              | 29 |
| NPA Complaint Process.....                                                  | 31 |
| Appendix A: Contract Guidelines.....                                        | 32 |
| Personnel.....                                                              | 32 |
| Learning Standards.....                                                     | 33 |
| Data collection and Reporting.....                                          | 33 |
| Isolation, Restraint, and Emergency Response Protocols.....                 | 34 |
| Notification of Changes or Complaints.....                                  | 36 |
| Compliance with Washington State and Federal Rules.....                     | 37 |
| APPENDIX B: Travel .....                                                    | 38 |
| Sample Travel Letter: Travel Arranged by Parents.....                       | 38 |
| Sample Travel Letter: Initial Placement at NPA with Paid Parent Escort..... | 40 |
| Travel Companies.....                                                       | 42 |
| APPENDIX C: Travel Data Collection.....                                     | 43 |
| APPENDIX D: Prior Written Notice .....                                      | 44 |
| Revision Log.....                                                           | 49 |

# INTRODUCTION

Engrossed Second Substitute Senate Bill (E2SSB) 5315 (2023) expanded the Office of Superintendent of Public Instruction's (OSPI) role in authorizing nonpublic agencies (NPAs) to serve students eligible for special education. The bill set minimum contract requirements for school districts, established standards for OSPI's annual authorization process, and directed OSPI to create a complaint process for reporting noncompliance or violations of student rights.

This field guide was developed to support school district personnel in understanding placement and oversight responsibilities when students receive services at authorized NPAs.

## The Why

Every year, Washington school districts design educational programming for students with disabilities ensuring their access to Free Appropriate Public Education (FAPE). However, for a small percentage of students, the resources available within their home districts – even with significant accommodations and supports – are not enough to meet their complex educational and behavioral needs. These students, who have significant aggressive or self-injurious behavioral needs, complex mental health challenges, co-occurring disabilities, or histories of trauma, often require a level of specialized intervention that is not available in Washington State public schools or even within the state itself.

When local resources are exhausted, the school districts must look beyond their own classrooms to ensure these students receive the support they need in order to access instruction. In some cases, this means placing a student in an in-state nonpublic agency (NPA), where they can receive intensive behavioral, therapeutic, or educational services. However, when those supports are not appropriate, districts must consider out-of-state residential placements. These decisions are not made lightly and involve complex legal, financial, and logistical considerations.

Understanding why and how these placements occur is essential for Individualized Education Program (IEP) teams, administrators, and families. This manual provides guidance on when an NPA placement is appropriate, how to navigate the placement process, and how to ensure compliance with state and federal laws.

## Purpose

The purpose of this manual is to inform Special Education Administrators and school district IEP teams regarding processes and procedures when a student's educational needs go beyond what the district can provide locally. This manual provides a roadmap for possible considerations and procedures when considering that the Least Restrictive Environment (LRE) might be a nonpublic placement. This manual includes information on placement procedures when the LRE is determined to be in an in-state and out-of-state placement.

# Glossary of Terms

## Local Education Agency/School District

Local educational agency (LEA) or the term "school district" under [WAC 392-172A-01115](#) means a public board of education or other public authority legally constituted for either administrative control or direction of public elementary and secondary schools, or for a combination of school districts. The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school, including charter schools, educational service agencies, the Washington center for deaf and hard of hearing youth, and the Washington state school for the blind.

## Nonpublic Agency

Nonpublic Agencies (NPAs) are defined as "authorized entities" under [RCW 28A.300.690](#), includes (a) private schools approved by the Washington State Board of Education under [RCW 28A.305.130](#); (b) private entities within the state of Washington with the appropriate licensure to operate; and (c) Any other public or private out-of-state entity.

## Nonpublic Education

Nonpublic Education (NPE) is a term used by some states other than Washington to refer to organizations that provide educational services.

## Nonpublic School

Nonpublic School (NPS) is a term used by some states other than Washington to refer to private schools that contract with that state to provide education to students.

## Private School

Private school, as defined in [WAC 392-172A-01145](#), is a nonpublic school or nonpublic school district conducting a program consisting of kindergarten and at least grade one or a program of any combination of grades one through twelve and meeting (1) Minimum state board private school approval standards as outlined in chapter 180-90 WAC; and (2) The definition of elementary and secondary schools in [WAC 392-172A-01060](#).

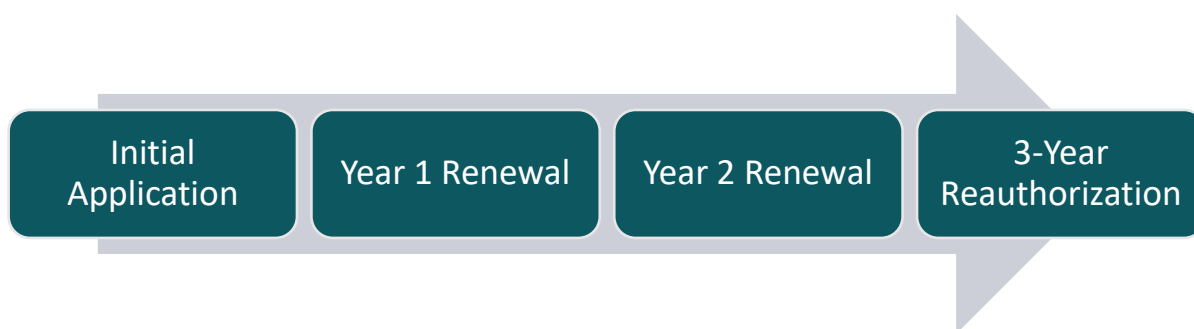
## Residential Treatment Center

A Residential Treatment Center (RTC) is a facility that provides 24-hour inpatient care for people with mental health and/or chemical dependency disorders in a residential treatment setting. In Washington State, these facilities are referred to as Residential Treatment Facilities (RTFs), which are licensed, community-based, and monitored by the Washington State Department of Health.

# NPA CERTIFICATION PROCESS

## Overview

OSPI requires an initial approval prior to students being placed at an authorized entity. This step is simply referred to as the Initial NPA Approval Application. Each subsequent year, the authorized entity must submit an Annual NPA Renewal and undergo an annual review. This process is referred to as Annual Renewal Year 1 and Annual Renewal Year 2. At least every 3 years, the authorized entity must submit documentation to OSPI for NPA Reauthorization. This reauthorization process includes a desk review and onsite visit by an OSPI representative and, if possible, the OSPI assigned sponsoring district. The three-year cycle restarts after each NPA reauthorization.



Upon successful completion of the desk review and onsite review, the NPA will receive an updated approval status. This will remain in effect for 1 year. The department may change this approval status to "Pending" or "Probationary" and will clearly indicate the reasons for the reduced approval, along with timelines for compliance and an expiration date of the approval status.

## NPA Status Designations

### Full Approval/Authorization

Any entity that currently meets all criteria to be certified to provide general and special education services under the OSPI Assurances, and are in good standing, are referred to as an Authorized or Approved NPA.

### Preliminary Approval

An entity that has completed the Initial NPA Application and has a recommendation for full approval from a sponsoring school district, will be granted Preliminary NPA Approval by OSPI. This status means that the NPA has passed an initial onsite review by sponsoring school district and the OSPI desk/file review. The NPA under this preliminary status may begin serving students from the sponsoring school district. Additional

student placements may only proceed with prior approval from OSPI. The preliminary NPA is not fully authorized or on the approved list until OSPI completes an initial onsite visit and confirms that NPA requirements have been met and that the [NPA Assurances](#) will be followed. This preliminary status applies for a maximum of 12 months. If after 12 months and following an OSPI onsite visit, the preliminary NPA has not yet met all of the NPA requirements or agreed to NPA Assurances, then preliminary status will expire, and the entity will not be fully approved/authorized.

### **Conditional Approval**

An NPA that is missing some component of the annual renewal or reauthorization process but remains in good standing will be granted Conditional NPA Approval. The NPA must work with OSPI to establish a timeline for curing any deficiencies with their status. The NPA will remain in good standing and may continue to serve students in accordance with any conditions/limitations established by OSPI. (Common examples: Delayed inspections/approvals from public/state agencies; delayed financial information or audit; adopting or updating policy and procedures to be consistent with WA requirements.)

### **Provisional Status**

An NPA that has failed to meet NPA authorization requirements will be placed on Provisional NPA Status. This status means that OSPI has determined the NPA needs to complete a corrective action plan and/or undergo additional monitoring for improvement based on NPA authorization standards. New contracts for placements with Washington public school districts are suspended and may not proceed without prior approval from OSPI.

### **Inactive Status**

An approved NPA in good standing that is due for reauthorization but has not had a student placement from public school district within the last 3-year reauthorization cycle will be moved to Inactive Status. An inactive NPA can be reinstated by following the reauthorization process with a sponsoring school district and OSPI.

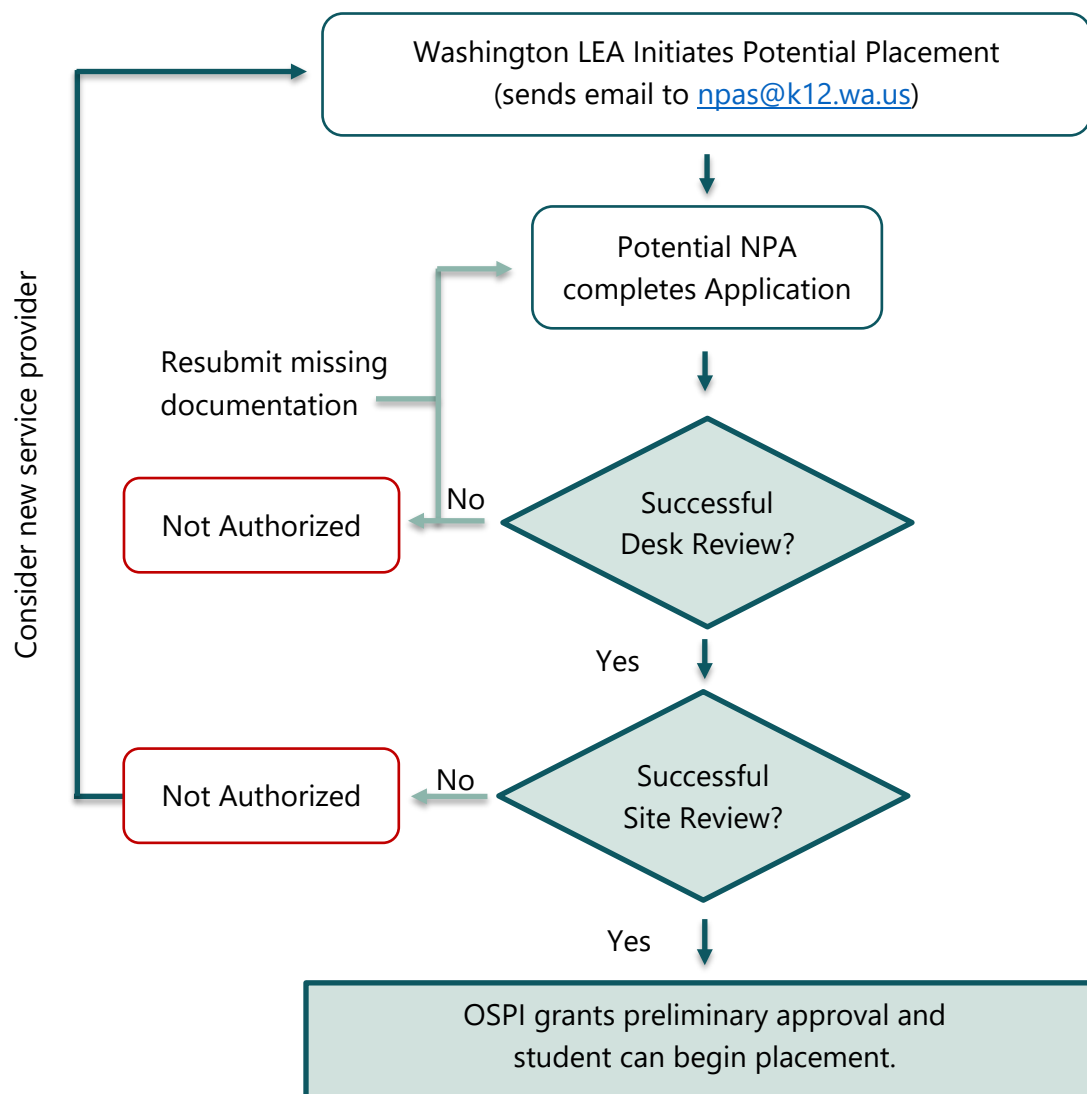
### **Revocation/Refuse to Renew**

An NPA that no longer meets NPA authorization standards or does not adhere to NPA Assurances will have NPA status revoked and/or OSPI will refuse to renew NPA status.

## New Entity Process

If the IEP team has decided to place a student at a Nonpublic Agency based on a current evaluation, the agency that most appropriately meets the needs of your student may not be an already approved agency by OSPI. In this case, you will need to sponsor the potential placement for an NPA status with OSPI. There are several steps to this process. A high-level process is outlined below. Refer to the [OSPI's Nonpublic Agencies website](#) for more detailed instructions.

### INITIAL NPA APPLICATION FLOW CHART



**STEP 1:** Email [npas@k12.wa.us](mailto:npas@k12.wa.us) to alert the OSPI team that your district is considering an NPA placement and that you will be sponsoring a NEW ENTITY for approval.

**Sample Email:** *Our district IEP Team is considering an out-of-district placement for our student. The IEP Team has considered the places already on the NPA list and they don't meet the current needs of our student. Our district would like to let you know that we are engaging with ENTITY NAME, to submit an initial application with the corresponding documents for the desk review. Please acknowledge receipt.*

**STEP 2:** Initiate the Initial Review process as outlined on the [OSPI Current Nonpublic Agencies website](#). This will include a Desk Review and an Onsite Review by the sponsoring school district.

**STEP 3:** Submit all documentation to OSPI.

**STEP 4:** Once you have a preliminary approval, you may arrange for student placement. At this step, the District should work with the NPA on completing the contract and making any updates needed to the IEP (such as travel as a related service.)

# PRIOR TO PLACEMENT

School districts are responsible for providing a continuum of placement options, including alternative placements. When an IEP team is considering where to place a student with disabilities to receive special education and related services, the team must always consider the least restrict environment (LRE) for the student and assure that the team has adequate information to make their decision. A highly restrictive setting such as an NPA should be one of the last options considered. The IEP team should consider the following:

- Does the student's disability result in behavior, medical, or mental health issues that have a negative impact on the student's ability to access specially designed instruction?
- Has the student demonstrated atypical emotional, physical, sexual, or substance abuse issues?
- Is the student physically aggressive? What level of harm has the student inflicted on self or others?
- Are the behaviors occurring at a frequency that exceeds the expertise of staff? Has the IEP team considered changes to the intensity or delivery of services?
- Has parent training been part of the IEP? Should it? Is the family able/willing to participate?
- What does the evaluation, IEP, FBA, or BIP say?
- What does the current data indicate? Is more data needed? Different data?
- What supports are currently in place? Are there additional areas of need that have not been addressed?
- Is there another condition that might underly the behaviors?
- Does the student have outside services (i.e., DDA, Wraparound) or community supports?
- Is the student making progress on goals/objectives?
- What has been tried? For how long? With fidelity? What were the results?
- Has the team sought consultation of all members of the IEP team as well as additional specialists (e.g., reading specialist, Behavior Specialist, BCBA, Nurse, OT, PT, SLP)?
- Has the team considered Parent Trainings, Mental Health Counseling, or other therapeutic supports?
- Is there a current special education evaluation that clearly delineates the student's disability and current needs? If not, or if there is disagreement consider a re-evaluation.
- Begin with parent consent and release of records for outside providers.

- Gather all medical, psychiatric, psychological, and behavioral documents.
- Consider expanding the evaluation team to bring in outside evaluators with experience in the areas of concern.

School eval teams may not have training/knowledge about on diagnosing complex mental health, psychiatric or medical conditions; make sure to consider the input of private providers and outside specialists. IEP teams do not have to accept all of the recommendations of outside providers, but they do have to demonstrate that they have carefully considered the information, and it is best to do this through an IEP meeting.

Evaluations should distinctly outline student needs without specifying a particular placement. For example, a student may require a structured schedule, highly skilled staff to manage unsafe behavior, a program with intensive behavioral interventions, access to skilled nursing care for medical conditions, or staff with specific training and specific interventions to prevent elopement.

# DETERMINATION OF PLACEMENT: THE IEP MEETING

In facilitating the difficult decision of placement, always start by considering the least restrictive setting and encourage the team to consider options such as meeting the students' needs in their current classroom with supports, or a different classroom within the same school, or a different school with the district. Discuss what that would look like and potential limitations.

Be mindful to weigh the risk of loss for the student and family in terms of community involvement within the student's current class, school, district, town, or even state, versus the student's educational/safety needs. While the team must consider how to provide educational services, they must also examine the impact this decision will have on the students' basic health and welfare and should tread very carefully. The standard in determining placement is to select one that is "appropriate" (i.e. the least restrictive setting in which the student is likely to make gains on IEP goals). While the IEP team determines the type of placement or the Least Restrictive Environment (LRE), the specific setting (i.e., which specific NPA) is a decision that can be made collaboratively with the parent and the LEA representative.

## Medical Versus Educational Placement

Some students considered for placement at an NPA are being considered based in whole or in part due to the student's medical needs. It is essential for the evaluation team and IEP team to be clear about the scope and extent of the student's educational needs resulting from the student's medical condition(s). As part of considering those educational needs, the teams must further consider whether the student's medical conditions require a related service through their IEP or a medical service through their insurance. The term "Related Services" is defined as transportation and any other developmental, corrective, or other supportive services that a child needs to benefit from special education and can include nursing services and medical services for evaluation and diagnostic purposes ([WAC 392-172A-01155](#)). Medical services are defined as services provided by a licensed physician (34 C.F.R. 300.13(b)(4)). If a related service is necessary in order for a student to access and thus benefit from their special education services, e.g., transportation to get to school, it must be provided as part of the IEP. However, if the service can only be provided by a licensed physician, e.g., chemotherapy for cancer treatment, the U.S. Supreme Court has clarified that such service is not required by the IDEA as a related service on an IEP. *Irving Indep. Sch. Dist. v. Tatro*, 468 U.S. 883 (1984) (analyzing provision of clean intermittent catheterization as part of special education programming).

# DOING THE RESEARCH

## Choosing an NPA

Public school districts are required to provide FAPE to students ages 3–22 who are eligible for special education services. If a student's special education and related services cannot be provided within a given district, the district may submit an Initial Application OSPI Special Education Division to contract with a NPA to provide services (see Initial Process).

Districts may also seek authorization from OSPI to contract with other public or private agencies under [WAC 392-121-188](#), when the public or private agency does not meet the criteria for approval under the NPA process, but the district determines that the public or private agency can provide the student with FAPE. School districts, however, are required in all instances to ensure that each student receives all services specified on the student's IEP, regardless of who provides the services.

When a school district contracts with an approved NPA or other public and private agency, the district retains full responsibility for the NPA's or other public/private agency's compliance with all applicable state and federal laws. School districts are not permitted to allocate IDEA, Part B funds, or state special education funds, to an NPA for the provision of special education services until the OSPI Special Education Division approves the NPA, an administrative law judge or court has ordered the placement, or the school district follows the procedures under [WAC 392-172A-04080\(2\)](#) to contract with public or private agencies that do not meet the criteria for approval under the NPA process.

## Hiring an Educational Consultant

Not all school districts utilize educational consultants, though families may sometimes hire one on their own. When this occurs, it is important to recognize that the consultant's role and interests may not always align with those of the IEP team. The placement process requires a significant investment of time and collaboration, and clear boundaries between the responsibilities of the district and the consultant should be maintained.

Educational consultants are experts in educational and therapeutic placements. Some agencies have an entire team of professionals such as psychiatric mental health clinicians, young adult transition experts, neuropsychologists, forensic specialists and gifted and talented experts to name a few.

Educational consultants do not do the work of a school district. They are experts in placement. They review the student records, conduct extensive interviews with staff, families, and student if appropriate and then based on their assessment of student needs complete the application process at appropriate placements throughout the country. The educational consultant becomes

the liaison between the district and the potential placements. It is also very common for the educational consultants to have visited sites throughout the United States and can give districts and families personal accounts of appropriate fit.

Some educational consultants stick with the student and district for the duration of the student's stay ensuring good communication and ongoing fit. These consultants are also an ally if there is a communication or service breakdown between the placement and the district.

## Overview of the OSPI Initial NPA Authorization Process

OSPI's NPA approval process is outlined in [WAC 392-172A-04080](#) through [WAC 392-172A-04110](#). The specific steps for initial approval under [WAC 392-172A-04090](#) include:

- Notification, in writing, from a sponsoring school district to the OSPI Special Education Division of its intent to serve a student through a contract with a proposed NPA.
- The sponsoring school district and proposed NPA will review the requirements for the initial NPA process and will complete their respective portions of the initial application for approval (i.e., Section 1: NPA Information and Section 2: Desk Review).
- The district will submit the completed NPA application with a recommendation for approval or further review, to the OSPI Special Education Division via email or mail to PO Box 47200, Olympia, WA 98504-7200.
- The OSPI Special Education Division will review the completed initial application to verify all requirements have been met and conduct an independent onsite visit. (Note: Students can be placed once a preliminary approval has been granted.)
- The OSPI Special Education Division will arrange an onsite visit (typically in the first 3 to 6 months) in order to grant final approval.

The OSPI Special Education Division makes information regarding currently approved NPAs available to all school districts on its website. School districts are not required to seek prior approval from OSPI when contracting with an NPA already on the current state approved list. However, when contracting with a currently approved NPA for placement, school districts must still ensure that the NPA is able to provide the services required to meet the unique needs of the student(s) to be served by the NPA.

## Steps in the NPA Research Process

To learn more about the NPAs that OSPI has approved to contract with districts to provide special education services for eligible students go to the [OSPI NPA website](#) where you will find a list of currently approved NPAs in Washington State, currently approved Nonpublic Agencies located outside of Washington State and Inactive Approved NPAs. Approved NPAs are those agencies that have undergone the OSPI approval process (see NPA Categories of Certification). While OSPI has developed a process of oversight of NPAs (Overview of the OSPI Initial NPA

Authorization Process) and makes all efforts to get updated information from agencies, conditions may change and may not be accurately reflected in updates to the OSPI website.

If an IEP team is considering a placement that is not an OSPI approved NPA, review the NPA Initial application criteria and consult with OSPI NPA Coordinator.

For more information about a particular NPA on the approved or inactive list, contact the OSPI NPA Coordinator at 360-725-6075 or by [email](#) and request a copy of the NPA's current application on file with OSPI and any updated information OSPI has on that agency/school. The application should include the name of the Washington State School District that currently has students placed at the NPA and District representatives may want to contact those districts to learn more about their experiences with placing a student at that agency/school. Ask if they have visited the facility and their impressions of their visit.

It is also important to contact the NPA directly to learn more about their current program and enrollment process. District Representative will be asked to provide a brief summary of the student (such as age, disability category, educational/development/medical needs) but should not provide individually identifiable information unless there is a signed consent from the adult student or student's parent/guardian for release of information. Possible questions to ask the NPA representative may include:

- Do they currently have availability or a waiting list?
- Do they serve students like the one you are considering for placement? (Make sure to be very specific as to any prior diagnoses to ensure the best possible fit)
- How do they serve those students (instructional model, curriculum, interventions, strategies, etc.)
- How do they plan for student transitions, either to less restrictive environments overall or to their home school districts?
- Do they use isolation and restraint? What are their policies regarding isolation and restraint?
- How many students are they currently serving?
- Staffing – do they have the necessary personnel as listed on the IEP and if not, how do they work with districts to make sure those service needs are met?
- Are they accredited by any independent accrediting body such as the Joint Commission for the Accreditation of Health Care Organizations (JAHCO) or Commission on Accreditation of Rehabilitation Facilities (CARF)?
- Where are they located? What does the physical facility look like?
- What does a typical day look like for a student at their NPA?
- How are IEPs implemented?

- What prior experience do they have working in collaboration with school districts around the implementation of an IEP?
- How is informed shared between the agency and parents or the school district?
- What services/supports do they offer for families?
- What are their funding sources (i.e. contracts with Districts, Medicaid, private insurance, private pay, other)?
- Costs – do they have a flat enrollment fee that covers everything? Do they bill for additional services such as Occupational Therapy, Physical Therapy, Speech Therapy, Mental Health Counseling? If it is a residential setting, you will want to ask if they bill separately for medical services.

Once potential NPA(s) are identified that might have the characteristics of an appropriate placement for the student, seek signed consent from the adult student or parent/guardian for release of the student's records (typically this should be a current IEP, the most recent special education evaluation and, if applicable, a transition plan, a current FBA, BIP, Health Care Plan and/or Emergency Response Protocol). In addition, remember to ask the adult student/parents/guardians for consent to release any medical or treatment records from outside providers that are necessary for the NPA's enrollment determination. Typically, the NPA's educational/treatment team will review the records to assure that they will be able to serve the student.

## SCHEDULE A VISIT TO THE FACILITY

It is highly recommended that a District representative visit the facility before placement is considered. Some NPAs also offer virtual tours if the cost of visiting is too prohibitive for the district (this is not an expense that Safety Net will reimburse). Districts can also call OSPI for a list of districts that have students placed in the NPA under consideration for more information as well as consulting with the sponsoring district that completed the initial paperwork and site visit.

A parent of a student eligible for special education services has a right to request permission to observe any educational placement proposed or under consideration for their child ([WAC 392-172A-05001\(2\)\(e\)](#)). A district representative may want to visit programs with parents to build collaboration and help assuage parent concerns. Parents may also ask important questions that the district representative did not consider. In addition, parents will have valuable insight about whether the program is a "good fit" for their child.

However, it is important for parents to know that, while their input is essential, the entire IEP team makes the decision of placement at an IEP team meeting. Also, even if the IEP team determines that an NPA is an appropriate placement, the NPA can decline to take a student.

# FINANCIAL CONSIDERATIONS

The financial impact on the district is never a consideration when making placement decisions. The student and their need for specially designed instruction in the least restrictive environment is the driver for placement. That said, during transition to and from a placement, there are medical concerns and potential costs to families that need to be addressed.

## Medicaid

Medicaid (i.e., Apple Health) is a state-dependent medical coverage that cannot be used in another state unless there is a true life-threatening emergency that wouldn't allow time for the individual to travel back to Washington.

### In-State Placement

Districts have a responsibility to check with any private placement to determine if the services and the placement are eligible to bill for Medicaid reimbursement. If the placement can bill for Medicaid services such as Speech Therapy, then this should be reflected on the monthly invoice. The contract between the placement and district should also have a Medicaid billing clause that spells out who is billing Medicaid or in the event the placement is not registered, then the contract should state that the placement or services provided are not Medicaid eligible.

### Out-of-State Placement

For students placed in a residential treatment facility out of state, the school district would work with the student and family to apply for Medicaid in the state in which the school is located. The downside is that the student might be without insurance for 90 days (the legal limit for the number of days to get covered after application). It should be noted that most states will back date the coverage to the date of the application. The other drawback is that the student has to notify WA State to end coverage PRIOR to applying for coverage in another state.

## Private Insurance

Students placed out of state should be using their Medicaid or Private Insurance for all medical expenses just like they would if they were home. The district is responsible for transport to and from any medical services such as routine dental treatments. The exception would be for students seeking treatment in specialized settings out of state (not in their home state and not in the state of placement).

**Scenario:** A Washington State student is placed at a RTC in Utah and is consulting with a doctor in New York for specialized treatment unrelated to their disability. The student's family would be responsible for this treatment.

## Safety Net Reimbursement

Please refer to the Safety Net resource guide posted to the OSPI website for a full explanation of how Safety Net reimbursement works for students with placement at an authorized NPA (see [Q & A: Safety Net Funding for Services Provided in Out-of-District Placements](#)).

# ONCE PLACEMENT HAS BEEN DETERMINED

## Timelines

Once a placement has been determined, an NPA has accepted the student and plans are being made to transition the student to that setting, figuring out timelines to begin services and dates to put on the IEP can be tricky. Although there is no specific timeline delineated in state regulations regarding how quickly a student should be moved to a new placement. [WAC 392-172A-03105](#), however, states that IEP services and placement should begin “as soon as possible following development of the IEP” and that a student must have a current IEP in place at the start of each school year.

IEP teams will need to work closely with the parents to ensure the student receives their necessary services and accurately document how services are being provided. While the student is awaiting admission, the district should continue to offer FAPE to the best of their ability, which may include creative solutions such as an alternative schedule, additional staff support, specialized services (e.g. a behavior tech, counselor, increased related services support), services in an off-campus location or even in-home services. The key is to amend the IEP as well as document the decisions that the IEP team has made in a detailed Prior Written Notice including acknowledgement that the student will be placed at in an NPA as soon as an opening is available, travel plans made, transportation arranged, and/or contract completed. The IEP should be amended to reflect the actual date of enrollment and recommended services once an admission date is secured. Communicating with the NPA regarding changes they may recommend to the IEP can help assure that the IEP will be in compliance as the student begins the program.

It is also helpful to let parents know that once the student is in the placement and the NPA has completed preliminary assessments, they often choose to amend the IEP to reflect updated information and the student’s needs in that new setting.

## LEA Monitoring Responsibilities

Districts must ensure that a student is provided with special education and related services according to the IEP and retains responsibility for FAPE even when a student is placed outside of the district. Communication is the key; both with the NPA and the parents/guardians.

It is recommended that the district representative set up a regular communication system including frequent reports of progress (academic and behavioral) and scheduled virtual meetings (weekly or monthly) to get informal updates or concerns depending on the complexity of the student's services or situation and visits. At a minimum, the district is responsible for assuring the following:

- Evaluations are conducted in compliance with [WAC 392-172A-03000](#) through [WAC 392-172A 03040](#);
- All IEP meetings for the student are conducted in compliance with [WAC 392-172A](#);
- Progress notes are completed as indicated in the IEP (typically by the quarterly or the trimester);
- Parents are notified of procedural safeguards;
- Annual state assessments are completed, or parents have agreed to a waiver;
- Students have the opportunity to fulfill requirements to receive a Washington State diploma.

District representatives should also check in regularly with parents to get their feedback regarding the placement and to remind parents that they are a resource/advocate for their student. Although direct communication between the parents and the NPA/school is vital for collaboration, it is important for parents to include the district in decision making and to proactively solve any problems that may arise.

## **Setting Expectations**

### **Defining the Relationship**

When contracting with an NPA, it is essential to clearly define the roles and responsibilities of each party. The district, as the public agency responsible for FAPE, is not only the funder but also the decision-maker in collaboration with the IEP team. NPAs should be reminded that the district must be included in all decisions related to educational programming, student placement, service delivery, and progress reporting.

District representatives should proactively establish expectations that the NPA will communicate directly and promptly with the district regarding any changes in programming, recommendations for IEP amendments, or concerns about student progress. NPAs are service providers under contract, not independent decision-makers, and their role is to implement the IEP as developed and authorized by the district and IEP team. Maintaining this clear relationship ensures accountability, legal compliance, and collaborative partnership in meeting student needs.

### **Communication**

School districts should talk with NPAs about expectations for parent participation as well as progress reporting and more frequent progress check-ins in accordance with the NPAs program. School districts may need to be prepared to negotiate with NPAs regarding the frequency of communication. Districts should also be sure to discuss expectations around communication

with the NPA with parents. Both the NPA calendar and district calendar can be resources for determining when communication may be necessary. Many NPAs have existing multidisciplinary team meeting structures where a district representative can attend and be part ongoing program decisions.

## **Travel**

The specifics of travel – what is paid for and what is not – need to be discussed with both NPAs and families. This manual includes sample travel reimbursement forms in the Appendix.

## **Discharge**

Some NPAs bill insurance and are required to place an estimated discharge date on documents. Typically, these dates are a moving target and do not constitute a “real” date. Only the IEP team can decide if a student is being discharged and only after an evaluation. Although a therapeutic setting has a team that may have assigned potential dates, these only can be solidified through the evaluation and IEP process.

## **Contracts**

As the IEP team is considering a possible placement in a NPA, it is essential that the district representative work closely with district administration and the financial officer to develop a contract and assure that the district's authorization process and responsibilities as outlined in [WAC 392-172A-04080](#) through [WAC 392-172A-04110](#).

Once a placement has been determined, the district must act in a timely manner to have a contract in place in order to have a student enrolled. Per [WAC 392-172A-04085](#), a contract must include:

- The names of the parties involved;
- The name(s) of the student(s);
- The location(s) and setting(s) of the services to be provided;
- A description of services provided, program administration and supervision, including access to state learning standards;
- The charges and reimbursement including billing and payment procedures;
- The total contract cost;
- A description of the district responsibility and process of data collection and reporting for the student(s), including the data required under IDEA, restraint or isolation ([RCW 28A.600.485](#)) reports to parents and the OSPI, and school discipline;
- Assurance that the requirements of [WAC 392-172A-02105](#) through [392-172A-02110](#) are met (including requirements for parental consent, notification, and reporting);

- Assurance that the agency will notify the school district and OSPI of program changes within the agency that may affect the agency's ability to contract or any complaints against the agency regarding services to students eligible for special education services; and,
- Any other contractual elements including those identified in [WAC 392-121-188](#) that may be necessary to assure compliance with state and federal rules.
- A calendar?

## Related Services

If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child. ([34 CFR § 300.104](#))

A student may be eligible for related services if the services "are required to assist a child with a disability to benefit from special education..." ([34 CFR § 300.34](#)). The federal Office of Special Education Programs (OSEP) provides additional guidance stating that the list of services in "§ 300.34 is not exhaustive and may include other developmental, corrective, or supportive services if they are required to assist a child with a disability to benefit from special education" (Analysis of Comments and Changes section of the final IDEA regulations, pertaining to Section 300.34).

Determining the need for a related service involves a process of determining educational relevance as well as educational necessity.

To be educationally relevant, the Related Services including therapeutic services (e.g., counseling, therapy, parent training, and travel) must be designed for the student to have a reasonable opportunity to benefit from special education. In other words, the related services must be in direct support of the student's IEP goals.

Some Questions that the IEP Team might ask when considering adding a related service such as travel to the IEP:

- 1) What is the anticipated purpose for the related service?
- 2) How will the related service assist the student to benefit from specially designed instruction? Which IEP goals does the related service support?
- 3) Has the student been making progress toward IEP goals without this related service?
- 4) Could the student continue to make progress toward IEP goals without this related service?
- 5) Is there data indicating that the proposed service is correlated to any undesirable outcomes in the student's progress toward IEP goals?

- 6) What skills are to be practiced during the related service time? How will data be collected? Monitored? Measured?
- 7) For students placed at an out of state NPA: Are parent training and counseling an area of need? If so, explain. Are parent training and counseling services taking place virtually? Why are in-person services in this area believed to be necessary?

## Therapeutic Travel

An IEP Team has the responsibility to consider and determine if therapeutic travel should be a part of the IEP in order for the student to make progress on their goals. This decision could be therapeutic parent travel to visit student and work on skill building together or student travel home to work on skills in the home setting. ***It is a reasonable practice to consider 4 therapeutic parent trips per year (one per quarter) as a baseline.*** The IEP Team in conjunction with the student's treatment team may consider more visits or fewer visits based on the needs of the student.

During the initial stages of placement, the IEP team might not want to consider therapeutic visits as the treatment team has not had a chance to work with the student or family. Therefore, travel considerations (apart from the initial travel to enroll the student) might not be part of any discussions. Make sure to ask the NPA treatment team how long they will need to make their initial assessments and be able to provide a recommendation. The IEP team can then make the commitment to revisit this decision in 6 to 8 weeks after placement.

During discharge planning the parents may need additional therapeutic on-site visits to increase their time with the student and to practice more skills. Conversely, the student may require increasingly longer home visits to work on skills as the student gets closer to discharge.

## Extended School Year

Many NPAs, both in-state and out-of-state, operate on a year-round calendar. In these cases, a separate ESY IEP is generally not required. The Annual IEP developed by the district and IEP team already covers the full calendar year, ensuring continuous services as long as the student remains enrolled at the NPA.

That said, districts may still choose to develop a separate ESY IEP if they determine it is appropriate for documentation, funding, or compliance purposes. There is nothing in state or federal law that prevents this approach. Alternatively, districts may simply note in the Prior Written Notice (PWN) that the IEP is an Annual IEP and that the student will follow the NPA's year-round calendar.

Clear communication with families is important to avoid confusion about the provision of services. Whether through an Annual IEP or a separate ESY IEP, the district must ensure that the student continues to receive FAPE in accordance with IDEA and WAC requirements.

# DISCHARGE PLANNING

A student's readiness to return to the district should be a topic discussed at every check-in meeting and every IEP meeting. The criteria the IEP team needs to consider is the student's ability to make reasonable gains in the least restrictive setting, as close to their home school and community as possible. There are no hard and fast rules regarding a student's readiness to return but discussing it with the student, family, and educational team will assist the team in developing goals and strategies to return the student to a the least restrictive environment in which appropriate services can be provided. It is recommended that a re-evaluation be conducted to assist the IEP team in making this decision.

Some NPAs/schools that are affiliated with or designed similarly to a medical setting often use medical criteria to determine readiness for discharge. Although a student may have met medical criteria to no longer require that level of services, they may not have necessarily met their IEP goals. Discussing these differences in goals from the very beginning of the placement may help the team avoid surprises, develop plans, and be prepared to coordinate options for continued services.

Before a student returns to the district, it is recommended that the team coordinate a plan to transition the student back. If the student is attending an NPA that is nearby, visits and/or partial enrollment in two settings can ease the transition from one setting to another. If the student is enrolled in an NPA that is a significant distance from the home district, visits to their home school can be helpful. Other creative ideas include, sending pictures, messages from their home school/classroom to promote a sense of welcoming, having peer mentors arranged for support, temporarily altered schedules to ease the student into the setting, attending extra-curricular events before returning to re-kindle or develop friendships to support them, assuring their outside providers are available for additional support (counselors, therapists, medical providers, behavior specialists, etc.).

If a student is returning from a residential setting, it is also important to consider the other supports in the student's life – parents, family, foster family, residential care providers, social workers, etc. Ensuring there is a well-developed plan with all of the key players in a student's life will be essential to the success of their transition back.

# SPECIAL CIRCUMSTANCES

Ensuring that students receive a Free Appropriate Public Education (FAPE) can sometimes require unique and complex placement decisions. In Washington State, districts must balance legal requirements, educational best practices, and collaborative problem-solving when determining whether a specialized placement is necessary to meet a student's individual needs. The sections that follow provide guidance on key considerations for placements outside of the traditional school setting, including when FAPE is in question, when parents seek unilateral private placements, and when students require intensive supports in residential, hospital, or justice-involved settings.

## Placement of students when FAPE is at issue

When disputes arise regarding whether a school district is providing FAPE, parents may seek private placements at public expense. While school districts are not required to fund unilateral parent placements, parents can seek reimbursement through Due Process under [WAC 392-172A-04115](#). To minimize legal disputes and improve educational outcomes, IEP teams should proactively engage with parents, carefully considering their concerns and collaboratively discussing whether adjustments can be made within the district's programs before placement decisions escalate into litigation.

If the parents unilaterally choose to place the student in a private school or facility, the school district is not required to pay. However, parents can use the Due Process provisions in [WAC 392-172A-04115](#) to ask the school District to reimburse them for the costs.

If the parents of a student receiving special education services rejects the district's offer of FAPE and informs the district that they intend to enroll their student in a private school or agency, it is highly recommended that the IEP team thoughtfully consider the parents' concerns and discuss the characteristics of the private placement that the parents feel the district cannot provide. Sometimes the IEP team can help the District avoid costly and time-consuming litigation by thinking creatively. If the team continues to disagree, the district should provide formal notification of its intent to provide FAPE in a timely manner while simultaneously re-evaluating the student to determine appropriate services and placement.

If parents file for Due Process, the cost of reimbursement to parents may be reduced or denied if the parents did not inform the team of their intent to enroll their student in a private school at public expense at the most recent IEP meeting; or the parents did not give written notice to a school district of their rejection of the District's proposed placement and their intent to enroll the student in private school at least ten business days (including any holidays that occur on a business day) prior to the removal of the student from the public school.

The cost of reimbursement for parentally placed enrollment in a private school may also be reduced or denied if a school district informed the parents' of their intent to re-evaluate a student to determine an appropriate placement and the parents did not make the student available.

Reimbursement cannot to reduced or denied if the district prevented the parent from providing notice of their intent to enroll the student in a private school, if the parent did not receive a copy of their procedural safeguards, or if the parent is illiterate or cannot write in English.

## **Residential Treatment Centers**

In rare cases, students may require placement in a Residential Treatment Center (RTC) to receive appropriate educational and therapeutic services. RTCs provide 24-hour care for students with medical, mental health, behavioral, or chemical dependency needs. However, these facilities are often regulated under medical care standards rather than special education regulations, making it critical for districts to ensure compliance with IDEA and Washington State requirements. As Washington State has limited in-state RTC options, out-of-state placements are often considered, requiring careful planning around educational oversight, parental involvement, and eventual transition back into the community.

In rare situations, IEP teams are asked to consider whether placement at a Residential Treatment Center is necessary to provide FAPE. The decision is not an easy one and should be taken with great care (please see earlier section Medical Versus Educational Placement). Residential Treatment Centers (RTCs) are facilities that provide 24-hour care for individuals with medical, mental health, behavioral, and/or chemical dependency needs. They are often accredited by outside monitoring organizations such as the Joint Commission on Accreditation of Hospitals, which are designed to improve the quality and oversight of medical care but not necessarily educational programming or IDEA compliance. Washington State has four RTC facilities throughout the state referred to as the Children's Long Term Inpatient Program (CLIP) which are considered the most intensive inpatient settings for children and adolescents in Washington State. CLIP is part of the Washington State Department of Social and Health Services (DSHS) under the Behavioral Health Administration and is funded by federal and State Medicaid dollars and admission is based on psychiatric need. School districts, while essential to coordinating the student's treatment and ultimate discharge while there, cannot place a child at a CLIP facility. The voluntary application process starts with contacting the local behavioral health care representative. A local committee will make a recommendation on whether or not to proceed with a referral to CLIP. If a referral is made, local behavioral health care organization liaison gathers all the application materials and contacts the State CLIP administration office who has the final authority for determining a child's eligibility for admission.

Districts typically contract with facilities located out of state. Most RTCs are based on the medical model of care and often have an affiliated educational program which coordinates

medical care with the educational needs of the student. While IEP teams make decisions about students' programs in schools, typically, treatment teams make decisions about students care in RTCs. Admission, treatment, services, and discharge are determined ultimately by a physician-led medical team. Most RTCs are aware of special education regulations and seek to meet student's educational needs but not all programs follow all special education regulations. And even if they do follow the special education regulations of their state, they may not align with Washington State regulations. It is essential that the district representative communicate with the NPA and team to assure that the Washington State IEP is being followed and work with the RTC to assure that a student's educational needs are being met.

Special considerations for out-of-state placement should include a plan for travel (see earlier section entitled Transportation); facilitating parent involvement (see section entitled LEA monitoring responsibilities) and transition to and from the facilities (see the section entitled how to determine if a student is ready to return).

## **Hospitalized or Homebound Students**

Home Hospital (H/H) services are in-person tutoring for students who are temporarily unable to attend school for academic instruction due to a sickness or injury. The intent of H/H services is to keep students current in their regular academic classes while they are temporarily absent from school. For students eligible for special education services, the IEP team determines when, how, and where the special education services will be provided while the student is temporarily unable to attend school (See [WAC 392-172A-02100](#)). Note that special education services provided at a student's home or hospital is instead homebound special education services, not H/H services. See also the section entitled Educational vs. Medical Models.

## **Justice-Involved Youth**

Justice-involved youth with special education needs are entitled to receive special education services while being detained in a county detention center or long-term juvenile rehabilitation facilities. Educational services are typically provided by the School District/LEA in which the facility is located. If the student is awaiting trial and is not in a facility, the responsibility to provide FAPE remains with the District in which the student is residing.

If a student eligible for special education services is involved in the juvenile justice system, it is important to keep in mind that the attorney representing them in their criminal/legal proceedings may have little or no understanding of the student's educational rights. Likewise, attorneys involved with education law may have little understanding of a student's other legal matters. Sometimes, the juvenile court judges appoint a Guardian Ad Litem (GAL) whose serves to represent the best interests of the child in court proceedings and who can be very helpful in coordinating educational and juvenile justice matters. Seeking out consultation from organizations such as Team Child or Disability Rights Washington can also be helpful in addressing the rights of youth between both educational and legal systems.

## OTHER STATE AGENCY INVOLVEMENT

When providing educational services for students with complex needs, there are often multiple State and local agencies involved in decision making and responsibility for that student's care. While it is impossible for educational professionals to keep up with all of these agencies, it is important to work collaboratively with them in decision making regarding a student's care. Keep in mind, that each organization has its own regulations, funding sources, and procedures that sometimes create complexity to design interventions for students. But case workers and service providers from these organizations can also be a great source of knowledge and great collaborators when designing plans for students. Involving representatives of these agencies can be vital in building a plan for the students' success.

### **The Washington State Department of Social and Health Services**

The Washington State Department of Social and Health Services (DSHS) provides residential services for eligible youth through The Behavioral Health Administration (See previous section Residential Treatment Centers) and the Developmental Disabilities Administration (DDA).

### **Developmental Disabilities Administration**

DDA provides a range of services for individuals with developmental delays. The majority of DDA's services are designed to keep individuals with developmental delays out of institutions and to allow them to successfully live in their home and community. Examples include in-home intensive behavioral support, respite care, and child development services. However, DDA does provide out-of-home services (OHS) through residential habilitation services for children outside of a child's family home. The service is voluntary and agreed to by the child's parent/ legal guardian and service provider. Services are provided in licensed or certified community-based settings. Parents retain custody, and work in partnership with the licensed/certified provider through a child and family engagement plan that supports the child and their individual support needs. OHS engages local communities, licensed providers, schools and other stakeholders to coordinate services that wrap around the individual.

DDA also provides Intensive Habilitation Services for Children (IHS). The IHS program provides short-term stabilization services (up to 90 days) that are based on a client's most prominent target behaviors as identified by the client's family in conjunction with the DDA case manager and IHS staff. IHS program staff are trained in positive behavior support principles and de-escalation techniques to support a client to acquire, retain, and/or improve upon self-help, socialization and/or adaptive skills based upon the family's identified goals. Successful outcomes are achieved when a consistent approach is applied to meeting the client's support needs and parents are actively engaged in obtaining new strategies to support their child. The facility is

certified by DDA and serves up to three children at a time. It is located in Lakewood, Washington. To learn more about IHS, please refer to DDA Policy 4.07.

DDA also provides Residential Habilitation Center (RHC) short-term stays. AN RHC is a care facility that provides temporary habilitative support for individuals with developmental or intellectual disabilities. If a client or legal guardian requests a short-term stay at an RHC, the client's DDA Assessment must show a need for active treatment services as defined in 42 CFR Sec. 483.440(b)(1) or nursing services. If RHC is not at capacity, the facility may be available for planned or emergent short-term stays for individuals aged 16 and older. For information on RHC Short-Term Stay, please refer to DDA Policy 4.01. Washington State operates the following intermediate care and skilled nursing facilities for individuals with intellectual disabilities: Lakeland Village in Medical Lake, Fircrest School in Shoreline, Rainier School in Buckley, Yakima Valley in Selah.

The Washington State Department of Children, Youth & Families provides a range of services including services to prevent child abuse and neglect, family support and services for youth involved in the Child Welfare system. DCYF's Juvenile Rehabilitation (JR) serves Washington state's highest-risk young people, who are convicted of crimes that reflect the profound violence, neglect, trauma, addiction, and other challenges. The goal of JR is to deliver treatment, provide resources, and develop skills so young people can plan for their future and reenter their communities. JR serves youth up to 25 years old who are committed to juvenile custody by a court. Since the "JR to 25" legislation was passed in 2018, the population is older, has longer sentences, has more connections with gangs, and has a greater history of criminality.

DCYF oversees two Juvenile Rehabilitation facilities (Green Hill and School Echo Glen Children's Center) and JR Parole services at eight community facilities (Oakridge Community Facility, Parke Creek Community Facility, Ridgeview Community Facility, Sunrise Community Facility, Touchstone Community Facility, Twin Rivers Community Facility, Woodinville Community Facility, and Canyon View Community Facility).

# NPA COMPLAINT PROCESS

The Office of Superintendent of Public Instruction (OSPI) maintains a process for submitting complaints related to Nonpublic Agencies (NPAs) that provide special education services under contract with Washington State school districts. Anyone—including parents/guardians, school staff, LEA representatives, or community members—may submit a concern regarding an NPA.

Complaints may involve health and safety, compliance with NPA approval standards, or other operational concerns. Matters related to the implementation of a student's Individualized Education Program (IEP) should be directed to OSPI's Community Complaint Process.

To submit a concern, individuals may complete the [NPA Concern/Complaint Inquiry Form](#), available on [OSPI's Nonpublic Agencies website](#). The form should include a description of the concern, relevant documentation, contact information, and any suggested resolutions.

OSPI reviews each submission and may conduct interviews, site visits, or records reviews as part of the inquiry. If the issue involves immediate health or safety risks, OSPI may take expedited action, including contacting law enforcement or temporarily suspending NPA approval.

More detailed information, including timelines and complaint resolution procedures, is available on [OSPI's NPA Complaint Process Flowchart](#).

# APPENDIX A: CONTRACT GUIDELINES

Public schools are required to provide a free and appropriate education (FAPE) to students with disabilities who are eligible for special education services and Non-Public Agencies (NPAs) are an important part of that educational continuum that districts may consider when fulfilling this requirement. Recently enacted legislation [RCW 28A.155.060](#) affirms and expands OSPI's ongoing oversight of NPAs.

Placing school districts remain responsible for ensuring their enrolled student is provided a free appropriate public education and that the NPA is able to provide the services required to meet the unique needs of the student. According to [RCW 28A.155.060 \(2\)](#), when a school district places a student in an NPA, they must develop a written document that contains elements to assure minimum compliance with safety and educational standards.

To assist in this process, the following guidance is offered to school districts when developing agreements with NPAs. This is not considered a comprehensive guide, and it does not abdicate school districts from their responsibility and due diligence in developing legal agreements with NPAs. District administrators should consider these questions when drafting or reviewing documents, agreements, or contracts with NPAs under the new legislation.

## Personnel

Contracts with Nonpublic Agencies (NPAs) must meet the minimum personnel requirements outlined in [RCW 28A.155.060](#), including maintaining qualified, licensed staff; employing at least one teacher with a special education endorsement; and ensuring staff receive regular training on required topics such as student rights, trauma-informed practices, cultural competency, isolation and restraint ([RCW 28A.600.485](#)), FERPA, mental health awareness, and serving students with disabilities.

Districts should require NPAs to document staff qualifications and verify participation in training as part of the contract.

### Questions to consider:

- Does the contract describe the services provided?
- Does the NPA acknowledge maintaining a list of qualified staff and copies of their licenses/credentials?
- Does the NPA commit to employing at least one certificated special education teacher, along with related service providers who meet state standards?
- If the NPA lacks required personnel, does the contract allow a district-contracted professional to collaborate to fulfill IEP services?

- Does the contract describe program administration and supervision, including the licensure/training of supervisors?
- Does the NPA acknowledge staff are trained regularly on required topics?
- Does the NPA agree to notify the district and OSPI in a timely manner of any program, staffing, or facility changes that could affect service delivery?

## Learning Standards

Contracts with Nonpublic Agencies (NPAs) must address learning standards as outlined in [RCW 28A.155.060](#). Specifically, NPAs must describe how students will have access to a program of basic education that meets the goals of [RCW 28A.150.210](#), based on individual student strengths and needs. When applicable, the contract must also describe how students will have opportunities to meet high school graduation requirements ([RCW 28A.230.090](#)) or earn a high school equivalency certificate.

Districts should ensure the NPA's curriculum aligns with Washington state learning standards and provides students with access to grade-level instruction.

### Questions to consider:

- Does the contract include assurances that all students will be provided services in order to access Washington state learning standards?
- If not, does the contract require collaboration between the district and NPA to review curriculum to ensure alignment with state learning standards?
- Does the contract specify how high school students will be supported to meet graduation requirements or pursue a high school equivalency certificate?

## Data collection and Reporting

Contracts with Nonpublic Agencies (NPAs) must address data responsibilities consistent with [RCW 28A.155.060\(j\)](#), which requires an acknowledgment that the district and the NPA have clearly established their respective responsibilities and processes for student data collection and reporting.

Districts should ensure that the contract specifies what data will be collected, how frequently it will be reported, and in what format. Clear expectations help ensure compliance with state reporting requirements and provide districts with the information needed to monitor student progress and program effectiveness.

## Questions to consider:

- Does the contract clarify how the NPA will collect and report student data to the district (e.g., daily, weekly, monthly)?
- Does the contract address the following data elements:
  - Attendance
  - Report cards (issued at the same frequency as the district)
  - Transcript and credit-bearing class completion
  - Graduation completion
  - IEP documents and supporting records, including:
    - Functional Behavior Assessments (FBA)
    - Behavior Intervention Plans (BIP)
    - Emergency Response Protocols
    - Prior Written Notices (PWN)
    - IEP amendments
    - Progress reports
    - Revisions to special education evaluations
    - Meeting invitations for all IEP meetings
  - Isolation and restraint data, including required parent and OSPI reports
  - Documentation of school discipline
  - Annual certification/licensure of all personnel
  - Notification when students are exited from the NPA and returned to their resident school district

## Isolation, Restraint, and Emergency Response Protocols

Contracts with Nonpublic Agencies (NPAs) must include acknowledgment, consistent with [RCW 28A.155.060\(m\)](#), that the authorized entity will comply with student isolation and restraint requirements under [RCW 28A.600.485](#).

Districts remain responsible for ensuring practices meet state law and align with district policy and procedure. If an NPA's forms or processes are insufficient to meet district standards, the district may require the NPA to adopt district forms and procedures. This expectation should be written into the contract, with the district providing the required documentation templates and training as needed.

Clear expectations ensure that all incidents of isolation and restraint are documented, monitored, and reported in a manner that is legally compliant and consistent with district standards.

### **Questions to consider:**

- Does the language in the contract conform with the current state regulations regarding the use of Isolation and restraint ([RCW 28A.600.485](#) and [WAC 392-172A-02110](#))?  
Assurances should include language that reflects the following:
  - Isolation and restraint are prohibited except when the student's behaviors poses an imminent likelihood of serious harm to that student or another person.
  - Restraint or isolation must be closely monitored to prevent harm to the student, and must be discontinued as soon as the likelihood of serious harm has dissipated.
  - Following the release of a student from the use of restraint or isolation, the school must review the incident, inform the NPA administrator or designee as soon as possible, and within two business days submit a written report of the incident to the district. The written report must include, at a minimum, the following information:
    - The date and time of the incident;
    - The name and job title of the individual who administered the restraint or isolation;
    - A description of the activity that led to the restraint or isolation;
    - The type of restraint or isolation used on the student, including the duration;
    - Whether the student or staff was physically injured during the restraint or isolation incident and any medical care provided; and,
    - Any recommendations for changing the nature or amount of resources available to the student and staff members in order to avoid similar incidents.

- The NPA's administrator or designee must verbally inform the student's parent or guardian and the school district within twenty-four hours of the incident, and must send written notification no later than 5 days after the incident.
- Does the language in the document conform with the current state regulations regarding the use of Emergency Response Protocols ([WAC 392-172A-02105](#))? Assurances should include language that reflects the following:
  - The parent has provided consent for the procedures.
  - The conditions and type of isolation, restraint and/or restraint device that may be used.
  - Any staff member or other adults using isolation, restraint, or a restraint device is trained and currently certified by a qualified provider in the use of trauma-informed crisis intervention (including de-escalation techniques) and the safe use of isolation, restraint, or a restraint device.
  - The NPA will comply with current state regulations regarding the use of Isolation and restraint ([RCW 28A.600.485](#) and [WAC 392-172A-02110](#)).

## Notification of Changes or Complaints

Contracts with Nonpublic Agencies (NPAs) must include acknowledgment, consistent with [RCW 28A.155.060\(n\)](#), that the authorized entity will notify OSPI, all contracting districts, and affected parents/guardians when program changes, conditions, or complaints arise that impact the delivery of contracted services. This includes any changes to services offered, loss of capacity to provide contracted programs, or complaints involving students.

Districts should ensure that the contract specifies the types of changes or complaints requiring notification, the timelines for reporting, and the parties to be informed.

### Questions to Consider:

- Does the contract include assurances that the NPA will notify the district and OSPI of program changes that impact its ability to provide contracted services? Examples may include:
  - Loss of certificated/licensed personnel
  - Loss of health or safety licenses/certificates
  - Lawsuits or legal actions
  - Financial distress

- Does the contract include provisions requiring the NPA to notify the district of complaints related to student services? Examples may include:
  - Parent/family/community complaints
  - Complaints to law enforcement or child safety agencies
  - Incidents of suspected abuse or neglect

## Compliance with Washington State and Federal Rules

Contracts with Nonpublic Agencies (NPAs) must include acknowledgment, consistent with [RCW 28A.155.060\(2\)\(o\)](#), that the authorized entity will comply with all relevant Washington state and federal laws applicable to the school district.

Districts should ensure that contracts also provide for oversight mechanisms, including the ability for OSPI or the district to review documentation, conduct onsite visits, and verify that facilities and operations meet all required licensing, health, and safety standards.

### Questions to Consider

- Does the document include acknowledgement that the NPA must comply with all relevant state and federal laws that are applicable to the school district?
- Does the document include acknowledgement that the school district must provide OSPI with the opportunity to review the contract and related documentation upon request?
- Does the document allow for onsite visits from the OSPI or the School District at least annually?
- Does the NPA have approval from the State Board of Education to operate as a private school or provide a program of education in a non-school facility?
- Does the facility have documentation that demonstrates that it meets all facility licensing requirements including applicable fire codes and health and safety standards?
- Does the NPA demonstrate through audits that it is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards to track revenues and expenditures associated with student placements?
- Does the NPA assure that it has procedures in place that address staff hiring and evaluation, including conducting reference checks, criminal background checks, and staff evaluations?
- Does the NPA maintain a policy of nondiscrimination and provide procedural safeguards for students and their families?

## APPENDIX B: TRAVEL

### Sample Travel Letter: Travel Arranged by Parents

To: NAME OF FAMILY

From: NAME, TITLE

Date:

Subject: STUDENT Travel Plan

The purpose of this plan is to create a system for implementing the parent travel outlined for STUDENT at the DATE HERE Individualized Education Program (IEP) meeting. Travel paid for by NAME OF DISTRICT School District is outlined in the IEP as a Related Service in order for STUDENT to make progress towards the IEP goals.

Our goal is to provide parents with some flexibility to plan travel around their private schedules so long as such arrangements are consistent with the amount that would be expended by the School District if the District was making travel arrangements directly. Travel has to be in accordance with the NPA treatment plan and may or may not correspond to holidays or family vacations.

**Travel.** The IEP provides for the parents to participate in onsite therapy at the NPA twice between now and the new annual IEP on DATE HERE. The IEP Team did recognize that STUDENT might be ready for a step-down placement in MONTH and the team will need to come together to create a treatment and transition plan that might increase the parent visits or student visits home. The IEP Team will reconvene in MONTH to make this determination.

Parent travel is not identified in the NPA calendar and is scheduled based on the need for parents to attend required parent training sessions on-site at the NPA per-treatment plan. At this time, the IEP Team has identified two sessions during the remainder of this current IEP year (this is subject to change based on STUDENT's transition needs that will be determined after the next therapeutic visit).

The District has established a reasonable reimbursement rate based for current hotel, air travel, and car rental rates when purchased six weeks in advance. We expect that parents will make travel arrangements according to their personal preferences. We ask that within two weeks of the dates of travel for IEP related services, the parents provide the Director of Special Services with original receipts for all travel expenses. If the expenses exceed the reimbursement rate, the District will not reimburse the excess costs.

**Air Travel.** The district will reimburse the parents for round-trip coach airfare to and from the City, State airport not to exceed the amount of \$750 per ticket.

**Lodging.** The district will pay for one hotel room for the family beginning the day prior to the start of a required family session through the last day of the session. Lodging expenses will be reimbursed up to a total of \$175.00 per night. The NPA has requested 3 days of therapeutic visitation. This is one day for travel, 3 days of therapeutic visitation and a day of travel for return. This equates to 4 nights in a hotel.

**Ground Transportation.** The District will reimburse parents for costs associated in renting an economy-rate vehicle not to exceed the amount of \$75.00 per day to be used for ground transportation during required travel. The District will also reimburse parents for long-term parking expenses at Seattle-Tacoma International Airport for required travel. Parents may also use a taxi or airport shuttle and be reimbursed for that expense up to the amount that would otherwise be spent on parking.

This travel plan acknowledges the possibility that STUDENT's program or an emergency could require STUDENT or his family to travel to or from City, ST with fewer than six weeks advance notice; or that certain times of the year (i.e., winter holidays, and placement) may be associated with travel expenses that exceed the reimbursable rate above.

Under these unique circumstances, we expect that the parents will consult directly with the District's designee (Director of Special Services) to develop a plan for travel that is practical and fiscally reasonable. Travel arranged with fewer than six weeks' advance notice will not be reimbursed if parents have not engaged in this consultation.

Sincerely,

Name

Title

# Sample Travel Letter: Initial Placement at NPA with Paid Parent Escort

To: FAMILY NAME HERE

From: NAME, TITLE

Date: DATE

Subject: STUDENT NAME Travel Plan

The purpose of this plan is to create a system for implementing the travel outlined for STUDENT as documented in the Individualized Education Program (IEP). Travel paid for by DISTRICT NAME School District is outlined in the IEP as a Related Service in order for STUDENT to make progress towards the IEP goals.

**Travel.** The IEP team has agreed that Dad should escort STUDENT to treatment at NPA NAME HERE. NPA NAME provides parents with virtual therapy on a weekly basis. If the NPA determines that STUDENT needs on-site parent participation, then we would call an IEP meeting to discuss and then update the travel plan accordingly.

The District has established a reasonable reimbursement rate based for current hotel, air travel, and car rental rates when purchased six weeks in advance. (Due to the immediate nature of the admittance, the District is waiving this notice and has adjusted the rates accordingly.)

For all other travel, we expect that parents will make travel arrangements according to their personal preferences. We ask that within two weeks of the dates of travel for IEP-related services, the parents provide the Director of Special Services with original receipts for all travel expenses. If the expenses exceed the reimbursement rate, the District will not reimburse the excess costs.

**Air Travel.** The district will reimburse for one parent for round-trip coach airfare to and from the NPA in STATE and a one-way coach ticket for student.

**Lodging.** The district will pay for one hotel room if necessary due to flight times. This is not to exceed \$175 per night (inclusive of taxes and fees). The district does not pay for the cost of checked baggage except for the initial placement of the student at an NPA. Travel expenses for siblings, extended family, friends, advocates, and family pets are not allowed.

**Ground Transportation.** The District will reimburse parents for costs associated in renting an economy rate vehicle not to exceed the amount of \$75.00 per day to be used for ground

transportation during required travel. Mid-size, intermediate or luxury class car rentals will not be reimbursed. Any additional rental fees such as insurance coverage, damage waiver, navigation system will not be covered. Fuel cost will be covered when provided by the rental company. The District will also reimburse parents for long-term parking expenses at Seattle-Tacoma International Airport for required travel. Parents may also use a taxi or airport shuttle and be reimbursed for that expense up to the amount that would otherwise be spent on parking.

**Non-Allowable Expenditures:**

- Entertainment-related expenses (i.e., amusement parks, sporting events, movies, etc.)
- Alcoholic beverages, snacks, and tips
- Altered or falsified receipts constitute fraud, and therefore all request for trip expense reimbursements will be null and void
- Any expenses without an original receipt

**Emergency Travel:** If there is an emergency that requires unanticipated travel (such as the death of a family member) or student medical emergency, the School District expects that the parents will consult directly with the district's designee (Director of Special Services) to develop a plan for travel that is practical and fiscally reasonable. Travel arranged with fewer than six-weeks advance notice will not be reimbursed if parents have not engaged in this consultation.

Sincerely,

Name

Title

## Travel Companies

The following list of travel agencies is provided solely as a resource to assist district leaders in identifying agencies that specialize in escorting students across the country. This list is not exhaustive, and the inclusion of any agency does not constitute an endorsement or recommendation by the OSPI. District leaders are encouraged to conduct their own due diligence when selecting a travel agency. The Office of the Superintendent of Public Instruction assumes no responsibility or liability for any services provided by these agencies.



### **Right Direction Crisis Intervention – Adolescent Transport**

☎ (888) 592-8400

✉ [info@rdas.net](mailto:info@rdas.net)

📍 Salt Lake City, UT

Right Direction is a leader in intervention, transition and transport services and has an unwavering commitment to maintaining high standards of care supported by extensive experience and specialized training. Our approach centers on trauma-informed care and respect-based interactions, which are essential for handling sensitive and challenging transport needs with respect and professionalism.

We recognize the uniqueness of each situation and offer flexible, tailored services to meet our client's specific needs while ensuring the highest standards of care throughout. Our expertise includes providing crucial support for students requiring transition and transport assistance to programs selected by district professionals. Additionally, we offer Spanish-speaking translators to assist families as needed, ensuring accessibility to all clients.

We are dedicated and deeply committed to supporting your district and the families you serve, providing seamless and compassionate transport solutions.

## APPENDIX C: TRAVEL DATA COLLECTION

### **Sample Data Collection for Travel as a Related Service**

Please contact OSPI for examples of data collection documents for travel as a related service.

## APPENDIX D: PRIOR WRITTEN NOTICE

This manual provides sample language and general guidance only and is not a substitute for legal advice. Each student's situation is unique, and circumstances may require approaches different from those described here; districts should consult their legal counsel as needed.

### Sample Prior Written Notice

- 1) Initial decision for Change of Placement – Interim placement needed
- 2) Initial Placement at a Hospital, Diagnostic, or Stabilization Center
- 3) District Decision on Funding Parent/Guardian Travel to Review NPA Prior to Placement
- 4) Emergency Travel due to unforeseen circumstances
- 5) Refusal to Change Educational Placement – Parent Unilaterally Removes Student

#### Initial Decision for Change of Placement – Interim placement needed

|                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description of the proposed or refused action:</b><br><br>The district is proposing an interim placement at [NPA Name] due to [specific reasons, e.g., unsafe behaviors, lack of progress in the current setting, or specialized instructional needs]. |
| <b>The reason we are proposing or refusing to take action:</b><br><br>The interim placement is necessary to ensure the student receives appropriate support while the IEP team is working on (or waiting for) a long-term placement.                      |
| <b>Description of any other options considered and rejected:</b><br><br>Remaining in the current placement (e.g., school, home, hospital, . . .)                                                                                                          |
| <b>The reasons we rejected those options were:</b><br><br>The current placement cannot adequately address the student's needs to ensure their safety. (Add more specific data)                                                                            |
| <b>A description of each procedure, test, record, or report used or is planned to be used:</b><br><br>Behavioral incident reports, Progress Monitoring data, Evaluation dated ##/##/####, Parent and Teacher input                                        |

**Any other factors that are relevant to the action:**

The IEP Team will regularly review the placement's effectiveness during this interim period.

*Add specific details about the interim placement, such as services offered. Clearly explain the timeline for reviewing the placement.*

**Initial Placement at a Hospital, Diagnostic, or Stabilization**

**Description of the proposed or refused action:** The district is proposing initial and temporary placement at [facility name] to support stabilization and to conduct a diagnostic and comprehensive evaluation to inform the IEP team's decision-making process.

**The reason we are proposing or refusing to take action:** This placement will facilitate a comprehensive evaluation in accordance with \_\_\_\_\_ and \_\_\_\_\_ to guide the IEP team in determining appropriate goals, services, and future placement. Given the students' significant challenges in the current educational setting, a higher level of support is necessary beyond what the school can provide. The proposed setting offers specialized therapeutic and medical support tailored to the students' needs while ensuring a safe environment that reduces potential risks to the student and others. The data gathered during the evaluation will enable the IEP team to make an informed decision regarding the least restrictive and most appropriate educational setting.

**Description of any other options considered and rejected:**

| Options Considered                                                         | Reasons for Rejection                                                                                                                           |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| Maintaining the student's current educational placement                    | The existing supports are insufficient in meeting the student's immediate behavioral, emotional, or medical needs.                              |
| Increasing behavioral and mental health supports within the school setting | Despite prior interventions, the student continues to require more intensive support that cannot be adequately provided in the current setting. |
| Immediate placement in a long-term specialized program                     | A comprehensive evaluation is necessary to determine an appropriate placement and services before making a long-term decision.                  |

**A description of each procedure, test, record, or report used or is planned to be used:**

Current incident data from school and home settings, Behavioral and medical reports, Functional Behavioral Assessment, observations and assessments conducted by staff, Input from parents and IEP team members (be more specific)

**Any other factors that are relevant to the action:**

**Parental Participation** – The district will facilitate parental involvement in the evaluation and placement process, including virtual or in-person meetings to review progress and findings.

**Review and Transition Planning** – The IEP team will reconvene following the evaluation period to discuss results and determine appropriate next steps.

**Funding and Legal Compliance** – The district remains responsible for ensuring the student receives Free Appropriate Public Education (FAPE) in compliance with IDEA and WAC regulations.

*Clarify the timeline for this placement and how the team will determine when the student is ready to transition. Be specific about the types of evaluations and how they contribute to IEP development.*

## District Decision on Funding Parent/Guardian Travel to Review NPA Prior to Placement

### Description of the proposed or refused action:

**Acceptance:** The District is accepting to fund parent travel to the [NPA Name] in [CITY], [STATE].

**Rejection:** The District is refusing to fund parent travel to the [NPA Name] in [CITY], [STATE] and instead proposes a virtual video tour of the facility and a question-and-answer session with [NPA Staff].

### The reason we are proposing or refusing to take action:

**Acceptance:** Due to the sensitive nature of the onsite facility, virtual tours are not permitted. To ensure parents can meaningfully participate in placement decisions, the district will fund an onsite visit for both parents/guardians (see attached letter for travel reimbursement).

**Rejection:** The District and [NPA Name] will provide a virtual tour of the facility and a scheduled question-and-answer session with key staff members. This approach ensures that parents will have the opportunity to review the educational setting and ask questions providing them with meaningful participation.

### Description of any other options considered and rejected:

**Acceptance:** No other options were considered and rejected.

**Rejection:** Funding parent travel.

### The reasons we rejected those options were:

|                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Rejection:</b> The District is able to provide alternative means for parents to meaningfully participate in the NPA review process.                                                                                                                                                                                              |
| <b>A description of each procedure, test, record, or report used or is planned to be used:</b><br><br>Information about the NPA's programming, services, and staff; Parent and guardian concerns raised during meetings                                                                                                             |
| <b>Any other factors that are relevant to the action:</b><br><br>Parents will have access to live sessions and additional materials upon request. <i>Emphasize the district's effort to accommodate parents' concerns in alternative ways. Clarify how the virtual option meets procedural requirements for parent involvement.</i> |

## Emergency Travel due to Unforeseen circumstances

|                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description of the proposed or refused action:</b><br><br>The district is proposing to reimburse emergency travel costs for [specific reason, e.g., death in family, hospitalization].                                                                                                                                                  |
| <b>The reason we are proposing or refusing to take action:</b><br><br><b>Death in family:</b> The travel is humanitarian in nature to support student's mental health.<br><b>Hospitalization:</b> The travel is essential to ensure the student's health and safety and to support the IEP team's ability to implement necessary services. |
| <b>Description of any other options considered and rejected:</b><br><br>Delaying travel                                                                                                                                                                                                                                                    |
| <b>The reasons we rejected those options were:</b><br><br><b>Death in family:</b> Delaying travel could result in increased depression and anxiety of student.<br><b>Hospitalization:</b> Delays would pose a risk to the student's well-being.                                                                                            |
| <b>A description of each procedure, test, record, or report used or is planned to be used:</b><br><br>Documentation of the emergency situation; Input from relevant medical or behavioral specialist                                                                                                                                       |
| <b>Any other factors that are relevant to the action:</b>                                                                                                                                                                                                                                                                                  |

*Include details about the emergency situation to demonstrate urgency. Specify district policies related to emergency reimbursement. If no district policies, include a letter to the family outlining the travel reimbursements specific to this situation.*

## **Refusal to Change Educational Placement (Parent Unilaterally Removes Student)**

### **Description of the proposed or refused action:**

The district is refusing to change the student's educational placement despite the parent's unilateral removal.

### **The reason we are proposing or refusing to take action:**

The IEP team determined that the current placement remains appropriate and least restrictive based on student's needs as outlined in the current evaluation dated ##/##/####, and progress notes.

### **Description of any other options considered and rejected:**

Accepting the parent's proposed placement.

### **The reasons we rejected those options were:**

The proposed placement (be specific) does not meet the criteria for FAPE. *Add specific details.*

### **A description of each procedure, test, record, or report used or is planned to be used:**

Current Evaluation, IEP, Observations from educators and specialists, input from the parent

### **Any other factors that are relevant to the action:**

The district remains committed to ensuring the student receives appropriate services in the current placement.

*Add language acknowledging the parent's concerns while defending the appropriateness of the current placement. Highlight how the decision aligns with student needs.*

# REVISION LOG

Changes to this document made after September 2025 will be noted in the table below.

| Section | Page | Description of Revision | Revision Date |
|---------|------|-------------------------|---------------|
|         |      |                         |               |
|         |      |                         |               |
|         |      |                         |               |
|         |      |                         |               |
|         |      |                         |               |
|         |      |                         |               |
|         |      |                         |               |