

DEVELOPMENTAL DISABILITIES ADMINISTRATION  
Olympia, Washington

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TITLE: ACCESS TO EDUCATION FOR SCHOOL-AGED CLIENTS IN 17.02.06  
RESIDENTIAL HABILITATION CENTERS

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Authority: [45 C.F.R. Section 84.54](#) *Education of Institutionalized Persons*  
[Chapter 28A.155 RCW](#) *Special Education*  
[RCW 28A.190.030 through 060](#) *Residential Education Programs*  
[RCW 71A.20.070](#) *Educational Programs*  
[Chapter 392-172A WAC](#) *Rules for the Provision of Special Education*

### **BACKGROUND**

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

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

### **PURPOSE**

In compliance with the 2009 Voluntary Resolution Agreement between DSHS and the U.S. Department of Health and Human Services Office for Civil Rights, this policy establishes procedures that ensure school-aged clients admitted to a residential habilitation center (RHC) receive timely and appropriate public education in the least restrictive environment.

### **SCOPE**

This policy applies to RHC staff.

**DEFINITIONS**

**Education in the least restrictive environment** means the provision of services to each student provided to the maximum extent appropriate in the general education environment with students without disabilities. Special classes, separate schooling, or other removal of students eligible for special education from the general educational environment will occur only if the nature or severity of the disability is such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. (See [WAC 392-172A-02050](#).)

**Free appropriate public education** or **FAPE**, as stipulated under [WAC 392-172A-01080](#), means special education and related services that:

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

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

**Parent** means a person with educational decision-making rights per [WAC 392-172A-01125](#), which may be the court appointed legal guardian or the client who has reached age of majority.

**Receiving school district** means the school district the client will enroll in while admitted to the RHC.

**School-aged client** means a DDA client who is:

- (1) Expected to reside at an RHC for 20 consecutive days or more per [WAC 392-137-115](#); and
- (2) Age 16 to 21 and remains eligible for FAPE per [WAC 392-172A-02000](#).

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

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

### POLICY

- A. The RHC must collaborate with the school-aged client, their parent(s), other applicable legal representatives, and the responsible local school district to ensure timely access to FAPE in the least restrictive environment.
- B. The RHC must confirm and receive consent from the parent to communicate with the sending and receiving school districts. The RHC is not the educational decision maker.
- C. Within the limits of authority, the RHC must ensure a school-aged client residing at the RHC has enrolled in the local school district no more than ten school days after admission to the facility.
- D. As long as the school-aged client resides in the RHC or remains eligible for special education services, the RHC must ensure the client receives access to FAPE and is provided the necessary services consistent with RCW 28A.190.030 through RCW 28A.190.050.
- E. The RHC must coordinate the client's IEP with their Individual Habilitation Plan (IHP) or Individual Plan of Care (IPOC).

### PROCEDURES

- A. When an RHC has made an admission decision that a school-aged client will be admitted, the facility must:
  - 1. Identify the person with the educational decision-making authority;
  - 2. Obtain consent from the parent, or the client if they have reached the age of majority, to communicate with the receiving school district and sending school district;
  - 3. Notify the receiving school district of the upcoming admission;

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4. Invite the receiving and sending school districts to the RHC pre-admission meeting(s); and
  5. During the pre-admission meeting, inform all interested parties the role of the RHC to support the school-aged client to access school.
- B. The RHC must assist the school-aged client to enroll in the receiving school district.
- C. The RHC must inform the receiving school district no more than three business days after any change in circumstances that may lead to the school-aged client remaining at the RHC for longer than 20 consecutive days.
- D. The RHC must confirm the school-aged client is enrolled and receiving educational services from the receiving school district no more than ten school days after admission to the RHC or change in circumstances.
- E. As long as the school-aged client resides at the RHC and is accessing FAPE from the receiving school district, the habilitation plan administrator (HPA), social service specialist (SSS), or case manager registered Nurse (CMRN) of the client's RHC Interdisciplinary Team must:
1. Support the client and parent to attend and participate in all IEP meetings.
  2. Together with the client and parent, actively participate as a member in all IEP meetings and the development of the IEP to ensure that the client's IEP is designed to meet their individual needs;
  3. Monitor the provision of special education and related services by the school district to ensure the provision of FAPE in the least restrictive environment;
  4. Coordinate the client's IEP with the client's IHP or IPOC by reviewing the client's progress with the school district at least quarterly;
  5. Communicate changes in the client's IHP or IPOC with the school district; and
  6. Document any interactions and communication with the receiving school in the client's electronic health record as a progress note.

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- F. The RHC must immediately contact the parent and the school district official in the event that the RHC has concerns with a client's access to FAPE, including but not limited to:
1. The client's IEP is not being implemented;
  2. Services are not being provided in the least restrictive environment; or
  3. It is unclear who has educational decision-making authority.
- G. If contact with the school district does not lead to a timely resolution of the RHC's concerns, the HPA, SSS or CMRN supervisor or designee must notify the Superintendent or designee of the situation. In consultation with the Superintendent or designee, the HPA, SSS or CMRN supervisor or designee must take steps to try to resolve the concerns, which may include:
1. Internal consult with the:
    - a. DDA Educational Liaison Program Manager; or
    - b. DDA Central Office governing body.
  2. Consultation with the OSPI [Special Education Parent and Community Liaison](#).
  3. Consultation with DDA Medicaid Compliance Administrator if a [special education formal complaint](#) should be filed as specified in [WAC 392-172A-05025](#).
- H. MONITORING
1. The Superintendent or designee must:
    - a. Monitor RHC staff to ensure that procedures in this policy are followed;
    - b. Monitor the provision of special education and related services to ensure the provision of FAPE to school-aged clients residing in the RHC; and
    - c. If necessary, implement the resolution process described in Procedure Section (G) above.
  2. The DDA Central Office Quality Management Team must monitor compliance on an annual basis for all school-aged clients residing at an RHC.

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17.02.06

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3. The Residential Care Services (RCS) Division, as the Medicaid Survey Agency for the state, monitors compliance with this policy and procedures annually, and follows up on any complaint that a client is not receiving FAPE as described in [WAC 392-172A-02000](#).


### **EXCEPTIONS**

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

### **SUPERSESSON**

DDA Policy 5.04, *Access to Education for School Age Children in Residential Habilitation Centers*  
Issued June 1, 2017

Approved:

  
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Deputy Assistant Secretary  
Developmental Disabilities Administration

Date: November 1, 2023