2020-21 Safety Net Frequently Asked Questions

Application Organization......................................................................................................................................... 2
Documentation of Services and the Worksheet C ......................................................................................... 2
Community Impact .................................................................................................................................................... 4
IEP Signatures .............................................................................................................................................................. 5
General Worksheet C Questions ........................................................................................................................... 6
High-School and Beyond Plans ............................................................................................................................. 6
Medicaid ........................................................................................................................................................................ 6
Miscellaneous .............................................................................................................................................................. 7
Worksheet A ................................................................................................................................................................. 7
Sampling IEPs for Review ........................................................................................................................................ 7
Recovery Services ....................................................................................................................................................... 7
Application Organization

**Question:** For supporting documents we normally label the Individualized Education Programs (IEPs) etc. Should we separate Prior Written Notices (PWNs) that are not connected to an IEP - and how should they be labeled? This year there are going to be several.

**Response:** Keep those PWNs separate. Name with PWN and the date of the document. Example: SSID-PWN – 12-17-20.

Documentation of Services and the Worksheet C

**Question:** What changes due to COVID-19 conditions require an IEP amendment? Can a PWN be used to document changes in services instead of an IEP amendment?

**Response:** Section D of the [Q&A Regarding the Provision of Services to Students with Disabilities guidance document](#) provides guidance and recommendations for documenting services provided through different learning models and when an IEP amendment might be necessary. We do not recommend using a prior written notice as an IEP amendment (please refer to question 13 of our [LRE guidance document](#)).

If there are changes to the frequency, location, or duration of special education or related services, those should be documented in the IEP or IEP amendment. The documentation provided in your Safety Net application should just be whatever your district is doing to document changes.

Per the Q&A, with regard to documenting services in the IEP, the regulations do not require a specific format for documenting the frequency of services; that would be an IEP team decision. Services should be documented in a manner that enables the parents and all individuals implementing the IEP to understand the services that will be provided. While identifying weekly minutes is common, there are also cases where it may make more sense to note services provided monthly or in another format. There can also be separate matrices to show changes in service delivery over time.

Our intention is not for you to create extra documentation solely for Safety Net. For Safety Net purposes we need to be able to tie the services you are requesting to an IEP document. This information cannot just be documented on the Worksheet C.

The Worksheet C can be adjusted to reflect gaps in services by either adjusting the minutes claimed or the number of weeks associated with the IEP. You can also claim less time than is quantified in the IEP on the Worksheet C if that was what was provided. If there were increases to services that the district does not have documentation for, [this additional form may be filled out to provide documentation for the claim](#). **Please be sure to accurately reflect the actual services provided to the student on the Worksheet C. Remember that all documentation submitted by the LEA is certified as accurate.**
**Question:** What if the PWN is not specific and doesn't say how many minutes the para would be with the student?

**Response:** Services must be quantified for applicants to receive Safety Net funding for services identified in the IEP. If the PWN is not about changing minutes, we would not expect it to contain minutes and would refer back to the most recent documentation that quantifies services for verification of costs.

**Question:** What if the para is "available to the student" for the whole six hours, but the family does not choose to take advantage of this? Can this time be claimed similar to when students are absent the time isn’t adjusted? How would we document and report times when a family/student didn’t engage with a 1:1?

**Response:** Any minutes claimed on the Worksheet C must be quantified in the IEP. The term “available to the student” would not be considered quantifiable.

See section D of the [Q&A Regarding the Provision of Services to Students with Disabilities guidance document](#) for general IEP guidance and recommendations on documenting services.

Historically, adjustments due to student absences have not been made to Safety Net awards unless the student is receiving services from a contracted provider and the billing from the provider reflects the absences. We do not adjust because typically absences are for a couple of days and do not greatly impact costs associated with the application. If a family is choosing not to access services, however, it would be different because that would mean the student is not receiving the direct services outlined in the IEP. Safety Net reimbursement is provided for direct services to students.

The Worksheet C can be adjusted to reflect gaps in services by either adjusting the minutes claimed or the number of weeks associated with the IEP. You can also claim less time than is quantified in the IEP on the worksheet C if that was what was provided. If there were increases to services that the district does not have documentation for, [this additional form may be filled out to provide documentation for the claim](#). Please be sure to accurately reflect the actual services provided to the student on the Worksheet C. Remember that all documentation submitted by the LEA is certified as accurate.

**Question:** If we have students that are attending in person either AM or PM, should the IEP be amended documenting they are only attending half time?

**Response:** See the [Q&A Regarding the Provision of Services to Students with Disabilities guidance document](#) (particularly question D-1) for information pertaining to documentation of services and when an IEP amendment may be needed. IEPs should document the provision of FAPE to the student, including the anticipated frequency, location (i.e., general or special education setting), and duration of special education and related services.
**Question:** With regard to the requirement for Safety Net funding only covering the costs of “direct student services”, with remote learning, does direct also include remote (both synchronous and asynchronous) services which are provide for students?

**Response:** Yes, direct services to students could include both synchronous and asynchronous remote services. Both synchronous and asynchronous services are allowable.

**Community Impact**

**Question:** When calculating amount for community impact which percent should we use to calculate the special ed. allocation (1.0075 for LRE 1 or 0.995 for all other LRE)?

**Response:** We will have the ability to verify if the student is LRE 1 or all other LREs. We will calculate students included in your application who have LRE 1 at the 1.0075, we will calculate all others at 0.995. We encourage you to factor this into your calculation when you complete your application.

**Question:** Do the guidelines for Community Impact Application allow districts to consider a higher than “normal” percentage of students who are homeless, as type of community impact?

**Response:** An LEA’s factor could be that the LEA has a higher than average percentage of students who are homeless. Some applicants have successfully used this as a factor in previous years. The percentage of students statewide experiencing homelessness used in the prior year community impact application analysis is 3.4%. This information can be found on OSPI’s Homeless Student Data & Grant Recipients website. The important thing to remember if you are using this as a factor to be very clear about the reason your LEA has a higher number of students experiencing homelessness. The LEA should keep in mind that per RCW 28A.150.392 and WAC 392-140-60110, the factor should not be due to LEA philosophy, staffing decisions, service delivery choices, or accounting practice.

**Question:** Where can the report that contains apportionment information that was originally included on the Report 1220 be found?

**Response:** Report 1191SE now contains the data previously reported on the Report 1220. The video linked below walks through how to find this information. To find Report 1191SE, follow the second bullet below. From the first drop-down, select 2020-2021. From the next drop-down select Apportionment, then District (CCDDD). From there you can select the LEA name from the next drop-down. Once your LEA is selected the first bullet (currently Apportionment for December) is the document you want to open. Scroll to about page 47 (page number may vary based on LEA) to find the Report 1191SE.

- [Video on where to find where Report 1220 data is in the Report 1191SE.](#)
- [Apportionment, Enrollment, and Fiscal Reports.](#)
IEP Signatures

Most of us have not been able to get actual signatures since March, and parents are inconsistent in sending back signatures or emails of consent. Will it be a problem that our ERPs, Medicaid forms, etc. are not signed?

Response: Regarding consent for the ERP, the requirement is that the consent must be in writing.

Parent consent is defined in the WAC below (highlight added), which is based on the federal IDEA regulations:

WAC 392-172A-01040 Consent. (1) Consent means that:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity. This includes a list of any records that will be released, and to whom they will be released, or records that will be requested and from whom; and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

Electronic or digital signatures are considered to be written consent as long as the parent is informed of and understands all information relevant to the activity for which consent is sought. Districts must communicate with families in their native language or other mode of communication, unless it is clearly not feasible to do so.

An email from the parent granting their consent could be considered written consent, but this approach is not recommended unless as a last resort. If a district uses an email as written consent, there should be a process for ensuring: (1) clear identification of what the parent is providing consent for, (2) the parent has been informed of and understands all information relevant to the activity for which they are providing consent, and (3) the parent understands that their email is considered by the district to be written consent.

Some decisions, such as amending an IEP, excusing an IEP team member whose area is not being discussed, and extending a 35-day evaluation timeline, require the parent’s agreement, rather than written, signed consent. Documenting agreement does not require written or signed consent but could take the form of a documented verbal agreement or other documentation.
General Worksheet C Questions

**Question:** On Worksheet C - line 13 on the summary tab it says School Name (where student is served). Is that the actual school name or our district name?

**Response:** We are looking for the name of the school that the student is attending.

**Question:** I cannot see all the tabs in the Worksheet C, how do I fix this?

**Response:** Make sure that you have saved the Worksheet C as a macro-enabled workbook. Once saved in this format the buttons on the Start Here tab will un-hide the applicable worksheets when selected. If you are still unable to unhide the tabs contact the Safety Net team for a copy of the Worksheet C with all tabs unhidden.

High-School and Beyond Plans

**Question:** Please provide written guidance for what are acceptable submissions for the High School and Beyond Plan, when the “system” that a district is using does not allow them print out what to out a “plan.” Verbally people have been told they can include a written statement acknowledging that there is a plan and describing where it is located and what it contains, taking “screenshots” to document the High School and Beyond Planning activities, the students has completed, but would appreciate that guidance in writing.

**Response:** As we are asking districts to include a copy of the student’s HSBP with their Safety Net applications, we have heard from LEAs that some are using an electronic program that is not printable. One LEA was going to create a duplicative process to create a hard copy, which is not needed. Currently, if you are not able to download/print the HSBP from your system, we are asking you to submit a statement about the use of an electronic program that does not create a printable HSBP. We would recommend that LEAs check with their HSBP vendor to see if a download/save/print feature could be added in future years.

Medicaid

**Question:** How do you determine the LEA adjustment for those districts that may not have Medicaid billing? Is it a percent?

**Response:** Awards will be reduced by taking 70% of the overall average Medicaid award for Medicaid eligible children. The 70% is being used because this is the Medicaid reimbursement rate. For example: The average Medicaid award for all Medicaid eligible children may total $500. The $500 will then be multiplied by .70 to determine the reduction. In this example, the award will be reduced by $350.
Miscellaneous

**Question:** Since BCBA supervision services are required through DOH guidelines, in order to provide RBT services, (which are a direct service to students), can those BCBA services also be considered part of the allowable cost for providing direct services? If the district does not provide those BCBA services, the district is unable to provide those RBT services?

**Response:** If BCBA supervision is required and quantified in the IEP, submit documentation with your application, and include the BCBA supervision costs along with the RBT hours. These costs will be reviewed on a case by case basis. If you are claiming BCBA costs, please include further explanation in the Additional Comments field of the Worksheet C Summary page.

Worksheet A

**Question:** When Worksheet A is available, will it be taking into consideration CARES act funding, and if so, how will it affect district’s capacity to submit for Safety Net funds?

**Response:** CARES Act funding will not impact Worksheet A.

Sampling IEPs for Review

**Question:** Please provide written clarification that the “random IEP selection” for safety net review. If the LEA has not had a WISM, refers to only a review of the current IEP or IEP amendment for each student. The random IEP selection for compliance review will not apply to the IEPs submitted for the purpose of demonstrating all IEPs and their services that were in effect during the school year. The current slide in your presentation is not clear about this.

**Response:** If the LEA has not had a WISM review in the current year or past two years (18-19, 19-20, or 20-21), then all applications submitted will be used to create a random sample of your submission. To do this, we take the full SSID list submitted, assign a random number in Excel, and sort from low to high. The selection then depends on the number of applications your LEA submitted. If your district submitted 20 applications, the top eight (40%) in the sorted list would be selected as part of the sample. For each application selected through the random sample the review applies to the current IEP for the application. If the most current IEP is an amendment, that would be reviewed. However, if the amendment included is only the section of the IEP that was amended, the most current complete IEP will be reviewed.

Recovery Services

**Question:** Some districts are interpreting information given from OSPI that they are supposed to be considering and providing recovering services now and wanted to know if recovery services be able to be reimbursed by safety net? There was some discussion and explanation from OSPI team that the answer was “Potentially,” but needed to make sure it was not duplicating services that have already been “reimbursed for with 19-20” Safety Net funds. Please
provide additional guidance on how districts should document this on the IEP and ensure that they know the decision-making framework that will be used to determine if that the services were already provided and covered by 19-20 safety net IEP.

**Response:** If a student is receiving recovery services during the 2020–21 school year due to the COVID-19 pandemic during the 2019–20 school year, those services may be eligible for reimbursement on the Safety Net application. To receive funding, these services must be quantified in the IEP, and the LEA must not have received funding for the service on the 2019–20 Safety Net application. In many cases last year district staff costs were not adjusted due to the COVID-19 pandemic- so if there are recovery services on the student’s IEP for those services, they wouldn’t be eligible for funding since the service was still funded last year.

**Question:** When should the decision for recovery services be made? Should the decision be based on individual students resuming in-person services, or the entire school/district.

**Response:** See section B of the Q&A Regarding the Provision of Services to Students with Disabilities guidance document for information pertaining to recovery services.

**Question:** How should recovery services be documented?

**Response:** Information about how to document recovery services is provided in the Q&A.

**Question:** What is the difference between “recovery services” and “compensatory services”? Can they be claimed on a Safety Net application?

**Response:** The footnote to page 6 of the Q&A Regarding the Provision of Services to Students with Disabilities guidance states that the term “recovery services”, as used in this document, may depict a variety of scenarios. It may describe services need to remedy a denial of FAPE by a district (typically referred to during dispute resolution as “compensatory services”), and also to describe additional, supplemental services needed to address gaps in service delivery due to COVID-19 health/safety limitations, of which districts had no control.

The term “recovery services” includes compensatory services but is broader. See section B of the Q&A Regarding the Provision of Services to Students with Disabilities guidance document for information pertaining to recovery services. Per the Q&A, recovery services can be provided outside of the district’s school day or be reflected as increased or supplemental services in the student’s IEP. Recovery services are not generally provided in the same amount that was missed (i.e., minute for minute, hour for hour), and are dependent on the student’s progress as well as the amount and type of services that were provided during the school facility closure. Districts should be cautious when scheduling recovery services during the student’s school day to ensure that this does not lead to a more restrictive placement for the student or contribute to additional general education instruction being missed.
If a student is receiving recovery or compensatory services during the 2020–21 school year due to the COVID-19 pandemic during the 2019–20 school year, those services may be eligible for reimbursement on the Safety Net application. To receive funding, (1) these services must be quantified in the IEP (or if provided outside the school day, the services must be quantified in documentation provided with the application) and (2) the LEA must not have received funding for the service on the 2019–20 Safety Net application.

It should be noted that in many cases last year district staff costs were not adjusted due to the COVID-19 pandemic- so if there are recovery services on the student's IEP for those services, they wouldn't be eligible for funding since the service was still funded last year.

When including these costs on your application make it clear on the Worksheet C which minutes are for recovery/compensatory services. They should be in a separate field than the rest of the services. The district may also adjust the number of weeks for the services, if necessary. The district should also include information on the Worksheet C Summary tab in the Additional Comments field that indicates that the district was not funded for the recovery services in the previous year.

**Question:** Should we treat Recovery Services like ESY services - if we are going to address Recovery Services during traditional ESY programming?

**Response:** ESY has a specific purpose, and so do recovery services. Those purposes are not the same. The district could choose to provide recovery services over summer break, for example, but those services would not be ESY unless they fit the definition of ESY. Refer to question **B-4** of the **Q&A**.