



Washington Office of Superintendent of
PUBLIC INSTRUCTION

REPORT TO THE LEGISLATURE

Placement of Students at Authorized Entities (Nonpublic Agencies – NPAs)

2024

Authorizing Legislation: [RCW 28A.155.250](#)

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EXECUTIVE SUMMARY

A local school district, in some instances, may determine that it cannot provide free appropriate public education (FAPE) for a student with a disability within their district. In partnership with the student's family and teachers, as part of the Individualized Education Program (IEP) process, the IEP team may decide that the student would be best served in a private school or facility better suited to meet the student's unique needs.

The Office of Superintendent of Public Instruction (OSPI) has an ongoing responsibility under RCW 28A.155.090 to ensure that certain entities, known as nonpublic agencies (NPAs), are authorized to provide services to students eligible to receive special education services.

Under this authority, OSPI has established minimum standards to annually authorize and reauthorize entities as NPAs and continually monitor their compliance with minimum contract requirements and procedural safeguards for school district placements at an NPA. OSPI, to this end, has also created a complaint process for any individual to report noncompliance with local, state, or federal laws or alleged violations of student rights by NPAs.

OSPI is required under Revised Code of Washington (RCW) 28A.155.250 to submit an annual report to the Legislature regarding such activities related to the placement of students receiving special education services at authorized NPAs.

The information provided in this report covers activities related to the 2023–24 school year and the 2024 authorization cycle for NPAs.

INTRODUCTION

Federal law requires states to have a process for ensuring that students eligible to receive special education services, who are placed in or referred to a private school or facility by a school district or other public agency, are provided special education and related services in alignment with an Individualized Education Program (IEP), at no cost to parent/guardian; are provided an education that meets state standards; and retain all the rights of an eligible student served by a school district in the state of Washington (34 CFR §300.146).

A local school district, in some instances, may determine that it cannot provide free appropriate public education (FAPE) for a student with a disability within their district. In partnership with the student's family and teachers, as part of the IEP process, the IEP team may decide that the student would be best served in a private school or facility better suited to meet the student's unique needs.

OSPI has a duty under RCW 28A.155.090 to ensure that certain private entities (schools/facilities)—known collectively as nonpublic agencies (NPAs)—are authorized to provide services to students who are eligible to receive special education services. Even when a student is being served by an NPA, however, the student's school district remains responsible for ensuring that the student is provided FAPE as required by law.

Terminology

The term NPA refers to “authorized entities” under RCW 28A.300.690, which includes:

- A private school approved by the Washington State Board of Education under RCW 28A.305.130;
- A private entity within the state of Washington with the appropriate licensure to operate;
- Any other public or private out-of-state entity with the appropriate licensure to operate.

Any entity included on the list of approved NPAs means that they have been authorized by OSPI to contract with school districts to provide a program of special education for students with disabilities. A “program of special education” means that the student's educational placement is at an NPA for the purposes of receiving special education services.

ANNUAL NPA STATUS AUTHORIZATION

Annually at the completion of each school year, OSPI reviews all authorized NPAs to ensure each NPA continues to meet the requirements for contracting with school districts to provide special education services to students. Each NPA also undergoes a full reauthorization process with OSPI at least every three years.

The OSPI annual authorization process for NPAs includes:

- On-site visits to NPAs by OSPI and school district personnel.
- Collecting evidence related to applicable facility licenses and agency approvals for the state in which the NPA is located.
- Classroom observations and interviews with NPA administrators, teachers, or other professionals knowledgeable about curriculum and instruction, the delivery of special education, and the NPA's overall philosophy of student academic and behavioral support.
- Reviewing NPA policies and procedures to ensure that requirements for contracts with school districts can be met and that safeguards are in place to protect the rights of students (and families) receiving special education services.
- Verifying that each NPA has adequate staffing that meets the licensing requirements of the state in which the NPA is located.

As of September 2024, there are 89 NPAs currently authorized by OSPI for the 2024–25 school year.

The full criteria for NPA authorization are outlined in RCW 28A.300.690 and in Washington Administrative Code (WAC) 392-172A-04080 through WAC 392-172A-04110.

As of September 2024, there are currently 89 NPA locations authorized by OSPI for the start of the 2024–25 school year. Of these, 39 NPAs are located in Washington and the remaining 50 are located out of state (the vast majority of students placed at an NPA are served in-state). [OSPI continues to make information regarding currently authorized NPAs available to all school districts and the public on its website.](#)

Updated Application Materials

In addition to the report on complaint processes referenced herein (see, Compliance Monitoring section), OSPI has contracted with Dynamic Education Consulting & Solutions to study how other states have designed their application and authorization processes to ensure that students receiving special education services who are placed in or referred to a private school or facility are provided special education and related services in alignment with a properly formulated IEP. OSPI plans to use the information in the report, which is expected in early 2025, to identify the best practices nationwide that can be incorporated into an updated application process for annual NPA authorization for the 2025 reauthorization cycle. In addition to the report, OSPI will consult with

partners such as school district administrators, private school/facility administrators, and students/families with NPA placement experience.

Status Changes for 2024–25

OSPI has taken the actions below for the 2024–25 school year with respect to the authorization status for the following NPA.

Provisional Status

Provisional status has been assigned to the following NPA due to significant concerns regarding the entity's ability to maintain compliance with authorization standards:

- Shrub Oak International School (Mohegan Lake, NY)

OSPI has suspended new placements at Shrub Oak International School (Shrub Oak) until the NPA:

1. Demonstrates that it has applicable facility licenses and agency approvals from the State of New York which meet Washington state standards; and
2. Satisfactorily completes OSPI monitoring and verification requirements for protecting the rights of students eligible for special education services. Shrub Oak is currently in the process of identifying which state agency in New York has the authority to approve/license residential educational programs and which operational standards must apply.

Shrub Oak has also recently undergone major program changes in the use of trauma-informed crisis management and intervention protocols. OSPI is currently monitoring Shrub Oak's ongoing implementation of these program changes to reduce and eliminate the use of physical restraints and reviewing the overall patterns of practice at Shrub Oak for compliance with Washington state law.

Shrub Oak continues to serve as an NPA under this provisional status only for the six students currently placed under previously existing contracts with school districts and for one student placed by order of an administrative law judge pursuant to special education due process proceedings. OSPI is in the process of partnering with Shrub Oak during the 2024–25 school year on improving the quality of services provided to school districts and students receiving special education services and may, at any time, consider modifications to the terms of the NPA's provisional status in response to additional information and/or adequate progress on meeting Washington state standards.

STUDENT PLACEMENT DATA

The student placement data contained in this report is based on the November 2023 annual federal child count, reflecting NPA placements at the start of the 2023–24 school year, the most recent year for which current placement data are available.

Total Enrollment Count

The total enrollment count of students placed at NPAs as of November 2023 was 553 students out of the total PK–21 student enrollment count¹ of students with IEPs of 160,086 (0.003%). The following tables detail the population of students with IEPs placed at NPAs with the amount of change over the previous reporting year.

Table 1: Students at NPAs by Individuals with Disabilities Education Act (IDEA) Disability Category

Disability Category	In-state	Out-of-state	Total	Change Over Prior Year
Autism	179	28	207	+3
Communication Disorders	1	1	2	+1
Deaf-Blindness	-	-	-	-1
Deafness	28	-	28	+1
Developmental Delays	11	-	11	+6
Emotional/Behavioral Disability	85	16	101	-22
Health Impairment	95	14	109	-7
Hearing Impairment	28	-	28	-5
Intellectual Disability	9	-	9	+2
Multiple Disabilities	36	9	45	-2
Specific Learning Disability	10	2	12	+4
Traumatic Brain Injury	-	-	-	-1
Visual Impairment	-	1	1	-
Total	482	71	553	-21

Source: November 2023 Federal Child Count.

The student population at NPAs continues to cover a wide range of disability categories, with Autism, Emotional/Behavioral Disability, and Health Impairment being the most prevalent. The

¹ At the time of the November 2023 federal child count, students receiving special education services had a right to potentially receive FAPE through age 21 (WAC 392-172A-02000). Future federal child count data will reflect recent changes enabling students to potentially receive special education services through age 22.

majority of students (482 out of 553) attending NPAs are located in-state, with a smaller portion (71) attending out-of-state. The out-of-state student population placed at an NPA has increased over the previous year (from 60 to 71).

Table 2: Students at NPAs by Federal Race Category

Disability Category	In-state	Out-of-state	Total	Change Over Prior Year
American Indian/Alaskan Native	8	-	8	-
Asian	34	3	37	+3
Black/African American	39	8	47	-5
Hispanic/Latino of any race(s)	65	7	72	+1
Native Hawaiian/Other Pacific Islander	4	-	4	+1
Two or More Races	39	6	45	-2
White	293	47	340	-19
Total	482	71	553	-21

Source: November 2023 Federal Child Count.

The student population at NPAs continues to consist of a diverse racial and ethnic makeup, with White students consistently reported as the largest group, followed by students who are identified as Hispanic/Latino, Black/African American, and Two or More Races.

Table 3: Students at NPAs by Gender

Disability Category	In-state	Out-of-state	Total	Change Over Prior Year
F	143	17	160	+1
M	331	52	383	-26
X	8	2	10	+4
Total	482	71	553	-21

Source: November 2023 Federal Child Count.

The student population at NPAs continues to contain a significantly higher proportion of male students (383) compared to female students (160), with a small yet increasing number of students (10) identifying as non-binary.

Additional Disaggregated Student Data

The following tables detail the additional required disaggregated data on the 574 students included in the November 2022 annual federal child count, reflecting NPA placements at the start of the 2022–23 school year, the most recent year for which complete disaggregated data is available.

Academic Progress

Table 4 represents one measure of academic progress—the two most recent state assessments—of the 574 students previously included in the 2023 Legislative Report on the [Placements of Students at Authorized Entities \(Nonpublic Agencies – NPAs\)](#).

The following state tests reported below include:

- Smarter Balanced Assessments (SBA): English language arts (ELA) and math tests in grades 3–8 and 10 are required for federal and state accountability. The high school ELA and math assessments can also be used to meet a student's graduation pathway requirement.
- Washington – Access to Instruction and Measurement (WA-AIM): ELA, math, and science alternate assessments in grades 3–11 for students with significant cognitive disabilities documented in their IEP are required for federal and state accountability. The high school ELA and math assessments can be used to meet a student's graduation pathway requirement.

Table 4: Students Placed at NPAs in School Year 2022–23 Participation in State Assessments

School Year 2022–23 NPA Student Count	Number of Students	Percentage of Students
Students who took either WA-AIM or SBA during the 2022 test administration period	115	20%
Students who took either WA-AIM or SBA during the 2023 test administration period	126	22%
Students who took the same test (either WA-AIM or SBA) during both test administration periods in the same test subjects	56	10%
Students who took either WA-AIM or SBA during the 2022 test administration period but not in 2023 test administration period	59	10%
Students who took either WA-AIM or SBA during the 2023 test administration period but not in 2022 test administration period	70	12%

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

These data confirm that the students placed at NPAs continue to participate in state assessments. Since the NPA student population is rather dynamic and includes grades which are not required to participate in state assessment (kindergarten through second grade) as well as students in grades for whom participation in state assessment is not linked to a graduation pathway (grades 3–8), full participation in state assessments from every NPA student should not be expected. However, OSPI is in the process of exploring how to further disaggregate student assessment data by grade level and the location of each NPA in future reports.

For the 56 students placed at an NPA for whom consistent data are available (i.e., taking the same test [either WA-AIM or SBA] in at least one subject area across two test administration periods), the overwhelming majority of students either maintained their current score level or increased their score level from one testing period to the other (see Table 5 below). Five students had consistent scores on the WA-AIM across two testing periods and the other 51 students had consistent scores on the SBA.

Table 5: Change in Test Score Levels for Students Taking the Same Test (WA-AIM) in the Same Test Subjects Over Two Test Administration Periods

Test Administration Type	WA-AIM			
Results by Test Subject	ELA	% of Total	Math	% of Total
2 Levels Down	-	-	-	-
1 Level Down	-	-	-	-
No Change	3	60%	2	40%
1 Level Up	2	40%	2	40%
2 Levels Up	-	-	1	20%
Totals	5	100%	5	100%

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

Table 6: Change in Test Score Levels for Students Taking the Same Test (SBA) in the Same Test Subjects Over Two Test Administration Periods

Test Administration Type	SBA			
Results by Test Subject	ELA	% of Total	Math	% of Total
2 Levels Down	1	2.1%	-	-
1 Level Down	6	12.5%	3	6%
No Change	36	75%	43	86%
1 Level Up	3	6.3%	3	6%
2 Levels Up	2	4.2%	1	2%
Totals	48	100%	50	100%

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

These data indicate that while some students showed progress on state assessments, the majority of students placed at an NPA during the 2022–23 school year with two consistent test results maintained their level of academic progress.

Graduation Rates

Graduation rates are based on a graduation year assigned to cohorts of students who start the ninth grade together. Students who transfer into or out of a school district are added or removed from the cohort. If a student stops attending school, they are counted as a “dropout” for the purposes of the cohort. If students have met graduation requirements, they are counted as “graduates.” If students do not graduate and are still attending, they are considered “continuing.”

Students are tracked through their 7th year in high school, and students receiving special education services are entitled to free appropriate public education through age 21.²

Students placed at an NPA who have been reported at any time as a member of the Four Year, Five Year, Six Year, or Seven Year cohorts for school year 2022–23 are included.

Of the 574 students placed at an NPA for school year 2022–23, 283 are in grades 9–12. The table below represents the 99 students on record in the graduation cohorts for School Year 2022–23.

Table 7: Graduation Rates of Students Placed at NPAs During 2022–23 School Year

Graduation Cohort	Graduates	Continuing	Dropout
Four Year	31%	58%	10%
Four, Five Year	28%	60%	13%
Four, Five, Six Year	24%	66%	13%
Four, Five, Six, Seven Year	25%	59%	16%

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

This snapshot shows that the majority of students placed at an NPA for school year 2022–23 within each graduation cohort have either graduated or are continuing students. These figures, however, do not represent a complete picture of the graduation rates for students placed at NPAs. Longitudinal data over the course of at least four years is necessary to better understand graduation rates for students placed at NPAs. OSPI expects to be able to more accurately represent graduation rates over time in future reports now that a data collection system for students placed at NPAs has been designed.

² See footnote 1 above.

Rates of Return

Table 8 below details the rates at which the 574 students placed at an NPA for school year 2022–23 either continued at an NPA or returned to their resident school district (or another Washington school district).

Table 8: Rates of Return for Students Placed at NPAs During the 2022–23 School Year

School Year 2022–23	Student Count	Percentage
Total Students Placed at NPA in School Year 2022–23	574	100%
Students Placed at NPA in School Year 2022–23 and School Year 2023–24	357	62%
Students Placed at NPA School Year 2022–23 and Not Placed at NPA in School Year 2023–24	217	38%
Students Placed at NPA in v 2022–23 and Not Placed at NPA in School Year 2023–24 Who Returned to a WA Public School District in School Year 2023–24	155	27%
Students Placed at NPA in School Year 2022–23 and Not Placed at NPA in School Year 2023–24 Who Did Not Return to a WA Public School District in School Year 2023–24 For Any Reason (e.g., Graduation; Private School; Moved Out-of-State, etc.)	62	11%

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

These numbers indicate that for students placed at an NPA for school year 2022–23, a little more than one-quarter of them (27%) returned to a public school district by the following school year. Similar to graduation rates, OSPI expects to be able to identify trends in the rates of return for students placed at NPAs over time in future reports.

Restraint, Isolation, Discipline, and Attendance

The following tables display data for students placed at an NPA for school year 2022–23 in the areas of restraint/isolation incidents, disciplinary actions, and regular school attendance.

Of the 574 students placed at an NPA for school year 2022–23, 76 students (13.2%) have had restraint or isolation incidents reported at any point during the school year.

Table 9: Type and Frequency of Restraint/Isolation Incidents for Students Placed at NPAs during the 2022–23 School Year

Incident Type	Incident Count	Frequency Rate
1 Person Restraint (basket, etc.)	23	30.3%
2+ Person Floor Restraint	6	7.9%
2+ Person Seated Restraint	18	23.7%
2+ Person Standing Restraint	19	25.0%
Bus/Car/Other Vehicle	1	1.3%
Classroom	9	11.8%
Closet, Locker Room or Other Non-Classroom, Non-Office Small Space	1	1.3%
Designated Isolation Room	24	31.6%
Office (includes nurse, counselor, or main offices)	3	3.9%
Other Isolation	17	22.4%
Other Restraint - Mechanical	1	1.3%
Other Restraint - Physical	21	27.6%
Walking Restraint/Escort/Transport	24	31.6%
Total Individual Number of Students Involved	76	-

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

OSPI continues to explore how to further disaggregate student restraint/isolation data by grade level and the location of each NPA in future reports

Discipline rates for students placed at NPAs in school year 2022–23 can be compared to the overall rate of exclusionary discipline for students enrolled in public schools in the State of Washington. Of the 574 students placed at an NPA for school year 2022–23, 23 students (4%) have had exclusionary discipline reported. According to the [OSPI State Report Card](#) for school year 2022–23, the overall exclusionary discipline rate for students was 3.5%, and specifically for all students receiving special education services, the exclusionary discipline rate was 6.9%.

Table 10: Type and Frequency of Exclusionary Discipline³ for Students Placed at NPAs during 2022-2023 School Year

Incident Type	Incident Count	Frequency Rate
Emergency Expulsion	8	34.8%
Expulsion	-	-
In-School Suspension	1	4.3%
Long-Term Suspension	3	13.0%
Short-Term Suspension	20	87.0%
Total Individual Number of Students Involved	23	-

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

Data also shows that students who met the definition of regular attendance placed at an NPA school year 2022–23 had a notably higher attendance rate (85.7%) when compared to the overall student attendance rate (67.9%) in school year 2022–23 according to the [OSPI State Report Card](#) (see Table 11 below).

Table 11: Regular Attendance Rate⁴ for Students Placed at NPAs during 2022–23 School Year

School Year 2022–23	Student Count	Frequency Rate
Total Students Placed at NPA in School Year 2022–23	574	100%
Students Meeting Definition of Regular Attendance	525	91.4%
Number of Students with Regular Attendance	492	85.7%
Number of Students Who Do Not Yet Meet Definition of Regular Attendance	49	0.1%

Source: Education Data System (EDS) Special Education Reporting Application in combination with Comprehensive Education Data and Research System (CEDARS) data.

³ Definitions for each type of exclusionary discipline incident can be found under WAC [Section 392-400-025](#).

⁴ Regular attendance is defined as having, on average, less than two absences per month. It does not matter if the absences are excused or unexcused. An absence is defined as missing at least half the school day. This measure includes students that were enrolled for at least 90 days at any given school.

COMPLIANCE MONITORING

In alignment with RCW 28A.155.240, OSPI launched a complaint process for the 2024–25 school year for individuals to report noncompliance by NPAs with local, state, or federal laws or violations of student rights. A complaint form and information on the complaint process are available and published on the [OSPI webpage dedicated to NPAs](#). OSPI's process is based on a report produced by its contractor, Dynamic Education Consulting & Solutions. The report studies how other states have designed complaints and investigations of nonpublic placements and identifies common characteristics of effective complaint processes. (See Appendix, *Nonpublic Agency Complaint Process Review: Research Synthesis*).

Complaints

For the 2023–24 school year, OSPI received seven complaints against NPAs for alleged noncompliance with local, state, or federal laws or violations of student rights. Five complaints involved NPAs located in Washington state and two complaints involved NPAs located out of state.

The results of the investigations into each of these complaints at the time of this report are as follows:

- One complaint was resolved because the in-state NPA ceased operations and has since been removed from the list of authorized NPAs.
- Two complaints involving in-state NPAs were investigated and resolved without further corrective action. OSPI was able to verify the implementation of updated policies and procedures at each of the NPAs regarding the provision of special education services and verify each NPA's ability to employ staff who meet applicable licensing requirements for teachers and related services in the state of Washington.
- OSPI made a finding of noncompliance in one complaint against an in-state NPA regarding its policies and procedures documenting an incident of a student placed in isolation. The NPA agreed to corrective actions with OSPI by updating its procedures for reporting any future incidents in compliance with RCW 28A.600.485. OSPI continues to monitor the NPA's compliance with its updated policies and procedures for the 2024–25 school year.
- One complaint against an in-state NPA was closed without corrective action because OSPI determined upon investigation that the allegations were unfounded.
- Two open complaints involving out-of-state NPAs are currently under investigation.

Any findings of noncompliance by OSPI against an NPA are considered as part of the annual NPA status authorization process. As OSPI continues its investigations, ongoing consideration is being given to the best practices identified in other states for resolving credible complaint allegations and potential improvements to OSPI's monitoring and investigation process.

CONCLUSION & NEXT STEPS

OSPI has significantly improved its oversight of authorized NPAs since the Legislature passed Senate Bill 5315 in 2023. A revised NPA authorization and renewal process proved to be an important opportunity for stronger public-private partnerships in providing services to students receiving special education services. More improvements to the NPA application process are slated for implementation in 2025.

OSPI also continues to improve its data collection systems to better identify and understand patterns in the use of NPA placements by school districts. Conversations with partners from across the educational landscape continue to yield ideas for further improvements. As a result, OSPI is already currently working on a potential field guide for school districts and families regarding the use of nonpublic placements, in general, and is examining future rulemaking activity to align state regulations with existing processes and the expectations for public-private partnerships.

APPENDIX A

Nonpublic Agency Complaint Process Review: Research Synthesis

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Nonpublic Agency Complaint Process Review

Research Synthesis

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DYNAMIC EDUCATION SOLUTIONS

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INTRODUCTION

Engrossed Second Substitute Senate Bill (E2SSB) 5315 (2023) affirms and expands upon the Office of Superintendent of Public Instruction's (OSPI) existing responsibility to ensure that certain entities, known as nonpublic agencies (NPAs), are authorized to provide services to students who are eligible to receive special education under the Individuals with Disabilities Education Act (IDEA). The new legislation adds requirements for improved oversight, monitoring, contract requirements, data collection, and annual reporting to the legislature.

As part of this legislation, OSPI is responsible for developing a complaint and investigation process for NPAs. To provide background for this project, we informally researched the policies and procedures from ten states to gather helpful information and potential templates. This research serves as a sampling of other state policies to use as a reference rather than a comprehensive or scientific survey. We completed most of the research through internet searches, although administrators from Utah and California responded to requests for follow-up meetings.

One of the primary findings of this research is that there is considerable variability in how states approve and monitor NPAs that serve special education students. While federal law allows all school districts to contract with nonpublic entities (NPAs or private schools) to provide the necessary services for a Free and Appropriate Public Education (FAPE) for students with disabilities, each state oversees this function differently. In turn, the processes for approving, monitoring, and investigating NPAs vary. All states have relatively similar public complaint/dispute resolution procedures as required under Part B of IDEA 34 C.F.R. § 300.152; however, only a few had a specific procedure to report concerns regarding nonpublic agencies.

Below is a summary of each state's complaint processes. Also included are notes regarding the procedures for filing complaints under the state public health care authority. Many residential NPAs and treatment centers are funded, in part, by federal Medicaid funds. As a result, state healthcare authorities must have a complaint process for the facilities they license or regulate to receive federal funds. The information on public websites regarding the complaint procedures/dispute resolution through the

state health care authorities was much less detailed. Further follow-up may be necessary to represent those processes better.

CALIFORNIA

The State of California has established a detailed process for handling public complaints related to special education. The California Department of Education (CDE) oversees this process, ensuring that complaints regarding noncompliance with state and federal special education regulations are addressed promptly and impartially. This section outlines the key elements of California's complaint process, including the steps required for filing a complaint, the role of the CDE in investigating allegations, and the timelines for resolution. Additionally, processes for complaints related to licensed healthcare facilities are managed by the California Department of Public Health (CDPH).

The [California Department of Education Public Complaint Process for Special Education](#) includes the following key components:

- Anyone can file a complaint.
- The complaint must be submitted in writing and include (a) a statement that a public agency has not followed State or Federal requirements of Special Education regulations, (b) supporting facts, (c) a signature, and (d) contact information.
- A copy of the complaint must be sent to the school district or public agency serving the student.
- The CDE provides an online model of a complaint letter.
- Complaints must allege a violation that occurred no more than one year prior to the date that the complaint is received.
- The CDE's Complaint Resolution Unit (CRU) completes investigations within 60 calendar days of receiving them.
- CDE's role is to be a neutral factfinder and promptly resolve complaints.
- When the team receives a complaint, they screen it to ensure it includes the necessary information and contact the complainant to provide any missing details.
- Once the team confirms the allegations, they send the complainant and local educational agency (LEA) a letter indicating the investigation results.

- CDE encourages mediation.
- The LEA must submit a response to allegations with materials addressing the allegations.
- The CRU mails a written decision or investigation report within 60 calendar days of receiving the complaint.
- The complainant can request a reconsideration no later than 30 days after the report.
- The state must respond within 60 days to either modify the report or deny the request.
- Parents can request mediation or due process.
- If there is a complaint at an NPA, the certification unit usually does an onsite review (they investigate only allegations of health and safety violations).

The [Center for HealthCare Quality's \(CHCQ\) Licensing and Certification Program](#) is responsible for regulatory oversight of licensed and certified healthcare facilities and investigates consumer complaints against the facilities. Some key facts are listed below:

- Anyone can file a complaint against a healthcare facility.
- The complaint is filed online and routed directly to the district office.
- Complaint investigations must be completed within 45 days if the allegation indicates an ongoing threat of imminent danger of death or serious bodily harm.
- Once the complaint investigation is complete, the district office will notify the complainant in writing of the results.

IDAHO

The State of Idaho has a structured process for handling special education complaints, primarily governed by the Idaho Department of Education. While the state does not regulate or license private schools, it does approve them to provide special education services. Idaho's complaint process adheres to IDEA, allowing individuals or organizations to file complaints regarding violations. Additionally, the Idaho Department of Health and Welfare manages complaints related to licensed children's facilities, with plans for a new ombudsman's office to handle concerns about residential treatment facilities beginning in 2024. This section outlines key aspects of these processes.

The [Idaho Department of Education Special Education Complaint Process](#) includes the following key components:

- Idaho Department of Education does not regulate or license private schools but approves private or facility schools to provide special education services.
- Idaho has no unique process for complaints regarding private schools or facilities.
- State administrative complaints can be filed by any individual or organization alleging any violation of Part B of IDEA.
- An individual or organization may file a signed written complaint to the Dispute Resolution Coordinator for the State Department of Education (SDE).
- These complaints are then sent to both the State and the LEA.
- Complaints must allege a violation that occurred no more than one year prior to the date that the complaint is received.
- The State will initiate an investigation and make an offer for mediation.
- The complaint must be resolved within 60 days.

The Idaho Department of Health and Welfare oversees the licensing of children's agencies, children's therapeutic outdoor agencies, and residential care facilities. Individuals can file a complaint by contacting the Bureau of Facility Standards at 208-334-6626 or by submitting a complaint in writing.

As of July 1, 2024, Senate Bill 1380 creates an independent ombudsman's office to field complaints about children's residential treatment facilities due to numerous allegations of abuse at state-licensed facilities. Currently, there is no information available online about this new office.

ILLINOIS

The State of Illinois provides a specific complaint process for approved nonpublic special education programs overseen by the Illinois State Board of Education (ISBE). Parents can request a review of a nonpublic special education facility based on health or safety violations, as outlined in federal and state regulations. The ISBE assigns a principal consultant to investigate allegations related to these facilities. If a complaint falls outside ISBE's jurisdiction, the team may direct it to the general special education complaint

process. Additionally, the Illinois Department of Public Health handles complaints about the quality of care in healthcare facilities.

The [State of Illinois Board of Education \(ISBE\) Complaint Processes](#) include the following key components:

- ISBE has a separate complaint process for approved nonpublic special education programs.
- Per Federal Regulation 34 CFR 300.509 and 23 Illinois Administrative Code 401, parents can fill out a request for review form for a Nonpublic Special Education Facility.
- For an evaluation of an approved special education facility to occur, the alleged violation must meet the following requirements:
 - Be connected to a health or safety violation under the administrative code.
 - Be submitted through a signed Nonpublic Facility Request Review Form.
 - Be for an incident occurring within one year of filing the [Nonpublic Agency Special Education Facility Request for Review Form](#).
- Once ISBE receives the form, it is assigned to the principal consultant within the agency who oversees the facility named in the complaint.
- The principal consultant initiates an investigation into the allegations. The investigation is limited to allegations of violations of Part 401, the governing regulations for approved nonpublic special education facilities in Illinois.
- If the allegations do not fall under Part 401, the complainant may be directed back to the [general special education complaints process](#) or notified that ISBE does not have jurisdiction over the allegations included in the request.

Illinois Department of Public Health investigates quality of care issues and allegations of harm by contacting them via phone or by completing their [Health Care Facilities Form](#).

MASSACHUSETTS

The State of Massachusetts has a detailed system for addressing complaints about special education and other services. The Office of Approved Special Education Schools (OASES) oversees the school application process and monitors incidents and data to identify areas where technical assistance is needed. The Problem Resolution System

(PRS) within the Department of Education investigates complaints to ensure compliance with federal and state education laws. The Bureau of Special Education Appeals (BSEA) also handles due process proceedings. The Department of Mental Health and the Department of Public Health address complaints regarding residential treatment programs. This section outlines key aspects of these processes.

Summary of the Massachusetts Complaint Process:

- The [Office of Approved Special Education Schools \(OASES\)](#) oversees the application process and collects and analyzes serious incidents, restraint data, complaints, action forms, and historical data from collaboratives and approved special education schools. This information is used to identify trends and patterns where technical assistance may be needed.
- OASES works with other state agencies, such as the Department of Early Education and Care, the Department of Children and Families, the Department of Mental Health, and the Department of Public Health.
- The [Department of Education's Problem Resolution System \(PRS\)](#) handles complaints as applicable federal and state laws and regulations require. PRS has the authority to investigate whether a publicly funded education provider is implementing the requirements of any federal or state education law or regulation under the Department's authority. If the concerns raised are outside of the Department's authority to resolve, PRS may suggest other resources that may be available to resolve the issue.
- Special Education Complaint Process ([see Problem Resolution System Office Special Education Complaint Procedures Guide](#) and 34 C.F.R. §§300.151 through 300.153):
 - A copy of the signed, written complaint must be sent to the school district, school, or agency against which the complaint is being filed.
 - Complaints can be filed through a website, email, mail, fax, or in person.
 - Complaint submitted to PRS must contain an allegation that the district, school, or public agency has not complied with federal or state special education laws or regulations. The alleged noncompliance must have occurred within one calendar year of receiving the written complaint.
 - Parties are encouraged to continue to work together to resolve their disputes before, during, and after a complaint has been filed with PRS.

- The PRS investigation, which may include onsite investigation, interviews, and responses of the other party to respond to the complaint, has 60 days to issue a written decision.
- That district, school, or local agency can file a rebuttal within seven days.
- If the school, district, or local agency acknowledges noncompliance, they can issue a corrective action plan.
- Upon completion, the PRS offers a determination and can require a corrective action plan if it finds noncompliance.
- The [Bureau of Special Education Appeals \(BSEA\)](#) is separate from PRS, which conducts due process proceedings.

In the Commonwealth of Massachusetts, complaints about licensed Intensive Residential Treatment Programs (IRTPs) can be submitted to the State Department of Mental Health by filling out an [online form](#) or fax or mail. The Department of Public Health (DPH) offers a 24-hour complaint hotline for urgent issues that require immediate attention. Additionally, the [Department of Mental Health \(DMH\) Ombudsman](#) is available to handle complaints, providing another avenue for addressing concerns.

MICHIGAN

We found no specific complaint procedures for nonpublic schools in Michigan. Nonpublic schools must register annually with the Michigan Department of Education to access federal funding, though accreditation is optional. The superintendent of public instruction can investigate complaints about private schools, with corrective action required within 60 days if violations are found. Michigan also provides a structured state complaint process for special education services, clearly outlined in a manual and accessible to the public. Complaints against state-licensed facilities are handled by the Bureau of Community and Health Systems, though no specific process exists for Youth Residential Treatment Centers under the Department of Health.

Key elements of the Michigan Complaint Process:

- Michigan has no specific complaint process for nonpublic schools.
- Michigan Department of Education requires nonpublic schools to register annually if they want to access federal funding for some programs ([the Michigan](#)

[Constitution under Article VIII, Section 2](#), prohibits public monies from being paid directly or indirectly to aid or maintain any private, denominational, or nonpublic school).

- Nonpublic schools may choose to become accredited but are not required to participate in the [Michigan Association of Nonpublic Schools \(MANS\)](#) or North Central Association.
- The [Private, Denominational, and Parochial Schools Act of 1021, section 388.554](#), allows the superintendent of public instruction to hold a hearing after 15 days of receiving a complaint about a private school. If a violation is established, the school has 60 days to remedy the violation. If the school fails to comply, the superintendent can compel the students to attend a public school.
- Michigan Department of Education (MDE) has an easy-to-understand manual that describes the complaint process ([Special Education State Complaints: Procedures and Model Forms](#)). Per the manual, the state's complaint investigation procedure is as follows:
 - Step 1: Receipt of State Complaint (Day 1)
 - Step 2: Intake and Determination of Sufficiency (Days 1-3)
 - Step 3: Notification (Days 1-5)
 - Step 4: Issues Letter (Days 3-10)
 - Step 5: Investigation (Days 10-45)
 - Step 6: Draft of the Final Decision (Days 15-50)
 - Step 7: Office of Special Education Administrative Review of the Draft Final Decision (Days 45-60)
 - Step 8: MDE Issuance of the Final Decision (By Day 60)
- The OSE ensures state complaint procedures are available to parents, organizations, public agencies, and the general public by posting the procedures on the Office of Special Education website, mailing or emailing a copy to individuals and organizations upon request, and providing a copy to each of the following organizations:
 - Michigan Alliance for Families (MAF)
 - Special Education Mediation Services (SEMS)
 - Disability Rights Michigan (DRM)

There was no easily identified complaint process for Youth Residential Treatment Centers through the Department of Health. However, they provide RTC services as

part of their state mental health services. The Bureau of Community and Health Systems (BCHS) accepts and processes complaints against state-licensed facilities.

NORTH CAROLINA

North Carolina's complaint process for nonpublic schools requires written submissions through the [Division of Nonpublic Education \(DNPE\)](#). Complaints must detail violations of North Carolina's Nonpublic Education Statutes. DNPE forwards complaints to the school for investigation and response, with further action taken if violations are confirmed. Separately, the North Carolina Department of Health and Human Services (DHHS) handles complaints related to health facilities serving students with disabilities, investigating allegations such as abuse, neglect, and fraud, with outcomes entered into appropriate registries if substantiated.

Summary of the North Carolina Complaint Process:

- All complaints and concerns about conventional nonpublic schools (those that do not receive state funding) received by the North Carolina Division of Nonpublic Education (DNPE) staff must be in writing on the appropriate prescribed [DNPE Citizen Complaint Form](#).
 - If permission is not included on the proper written complaint form for a copy of the concern to be sent to the school, then the complaint will not be investigated.
 - The form includes a checklist that outlines the specific legal requirements of the North Carolina nonpublic education statutes to help identify which aspects have allegedly been violated. Space to provide any other pertinent information is also included.
- DNPE forwards a copy of the complaint or concern to the school with a request to investigate the allegations and respond, usually within 10 days.
- The school forwards its completed Response to Complaint Form, and one of the following occurs:
 - If it is concluded that the allegations do not establish a violation of the nonpublic education statutes ([G.S. 115C-547-562](#)), a letter is sent to the complainant to confirm the DNPE's conclusions along with a copy of the

school's response. A copy of this letter will also be sent to the school's chief administrator.

- If it appears that a nonpublic education statute has been violated, the DNPE staff shall conduct a further investigation to determine whether the school has automatically terminated its legal status to continue to serve students.
- If the school has automatically terminated its legal status, local compulsory attendance enforcement authorities will be notified. They will then begin legal proceedings against the parents of the students currently enrolled in the school, requiring them to enroll their students in a school that meets state statutes.

Key elements of the North Carolina Department of Health and Human Services

Complaint Process:

- Each health facility serving students with a disability must be licensed by the North Carolina Department of Health and Human Services (DHHS).
- The [Complaint Intake and Health Care Personnel Investigations of DHHS](#) handles complaints by phone, fax, or mail.
- Allegations that are typically investigated include:
 - Abuse of a resident
 - Neglect of a resident
 - Diversion of drugs belonging to a resident
 - Diversion of drugs belonging to a healthcare facility
 - Fraud against a resident
 - Fraud against a healthcare facility
 - Misappropriation of resident property
 - Misappropriation of property of a healthcare facility
 - Injury of unknown source
- During investigations of allegations, investigators gather evidence to determine whether an allegation is substantiated or unsubstantiated. Officials may choose to enter a "pending" listing on the Health Care Personnel Registry (HCPR) when deciding to pursue an investigation. In some cases, a local law enforcement agency or the [Medicaid Investigations Division of the Department of Justice](#) may also conduct an investigation. Investigations may include onsite visits, records

reviews, and interviews with victims, accused individuals, witnesses, and other individuals as warranted.

- The "pending" listing is removed from the HCPR if the allegation is unsubstantiated.
- If the allegation is substantiated, the accused is notified by certified letter of the intent to enter a finding on the HCPR. Suppose the allegation was of abuse, neglect, or misappropriation of the property of a nursing home resident. In that case, the notification includes that the finding will also be entered into the Nurse Aide I Registry. The notification contains information about the due process rights available to the individual.

OREGON

Oregon does not have a specific complaint process for nonpublic schools. Instead, it utilizes its public special education complaint process. Anyone can file a complaint, which must be written, signed, and include details of the alleged violation. The complaint must be sent to the Oregon Department of Education (ODE) and the school district serving the student, addressing violations that occurred in the past year. ODE aims for minimal conflict in resolving complaints through local resolution, mediation, or investigation, completing investigations within 60 days. Additionally, the Oregon Health Authority handles grievances regarding mental health treatment facilities.

Summary of the key elements from the [Oregon Department of Education \(ODE\) Special Education Complaint Process](#):

- There is no specific complaint process for nonpublic agencies/schools. Oregon uses its special education public complaint process.
- Anyone can file a complaint.
- The complaint must be submitted in writing, signed, and dated. A description of the nature of the problem must be provided, including how you think the school district or program violated special education requirements. The complaint must also include suggestions for correcting the violation.
- The complaint must also be sent to the school district serving the student at the time of the complaint.

- Complaints must allege a violation that occurred not more than one year prior to the date that the complaint is received.
- ODE will try to resolve complaints with the least amount of conflict possible. A complaint may be resolved by local resolution, mediation, stipulated corrective action, and/or investigation.
- Investigations by ODE are completed within 60 days of receiving the written complaint.
- If ODE is proceeding with the complaint investigation, ODE will send the school district/program a written Request for Response. The school district will have 10 business days to respond to ODE with a copy to the complainant.
- ODE will issue a written decision (a Final Order) to the complainant and district/program. The ODE investigator and other ODE staff are involved in reviewing and developing the Final Order.

The Health Facility Licensing & Certification (HFLC) of the [Oregon Health Authority](#) is responsible for processing complaints for certain types of healthcare facilities. Complaints for facilities and agencies are filed online and investigated by the HFLC.

PENNSYLVANIA

Pennsylvania's Department of Education (PDE) does not have specific procedures for nonpublic agencies or private schools but follows a structured [special education complaint resolution process](#). Complaints against Local Education Agencies (LEAs) are referred to a Regional Coordinator (RC), who notifies the LEA and facilitates a response. An ombudsman is involved in issues related to equitable services under federal law. If needed, the Regional Coordinator or Ombudsman may conduct an independent investigation and will issue a final report with recommendations. The complaint must be resolved within 45 days, with the option for either party to appeal to the U.S. Secretary of Education if dissatisfied.

Summary of the Pennsylvania Complaint Process:

- There are no specific procedures for NPAs or Private schools.
- Special Education Complaint Resolution Procedures include:
 - Complaints against LEAs are referred to the RC.

- The RC will notify the LEA's superintendent or chief administrative officer, provide a copy of the complaint, and direct the LEA to respond. For complaints addressing questions and concerns from private school officials and LEAs regarding the provision of equitable services under Titles I and VIII, the RCs will notify the ombudsman as required under ESSA (ESEA sections 1117(b)(1) and 8501(b)(1)).
- After receiving the LEA's response, the Regional Coordinator/Ombudsman will determine whether further investigation is necessary. The Regional Coordinator/Ombudsman may conduct an independent investigation onsite at the LEA if necessary.
- When the Regional Coordinator/Ombudsman has finished any investigation, they will prepare a final report with a recommendation for resolving the complaint or appeal.
- The Regional Coordinator will ensure that the resolution of the complaint or appeal is implemented.
- The period between the PDE's receipt of a complaint or appeal and its resolution shall not exceed 45 calendar days.
- Either party may appeal the final resolution to the U.S. Secretary of Education.
- The Division Chief will ensure that the resolution of the complaint is implemented.
- The period between PDE's receipt of a complaint and its resolution shall not exceed 45 calendar days.
- If the PDE's resolution is unsatisfactory, either party may appeal the final resolution to the United States Secretary of Education.

UTAH

Utah does not have a specific complaint process for nonpublic agencies, but it uses its public special education complaint process. Anyone can file a complaint under IDEA if a public agency is suspected of violating federal or state special education laws.

Complaints are filed with the Utah State Board of Education (USBE) and the Local Education Agency (LEA). USBE assigns a contracted investigator to review the facts and issue a decision within 60 days. Additionally, concerns about mistreatment in licensed or

unlicensed facilities can be reported to the Utah State Department of Health and Human Services.

Summary of State of Utah Complaint Processes:

- There is no specific complaint process for nonpublic agencies. Utah uses its special education public complaint process.
- LEAs (from within or outside the state) can notify the State Superintendent of a complaint.
- Suppose a public agency in the state that provides special education and related services to children with disabilities has violated a requirement of federal and/or [Utah State Board of Education Special Education Rules and Policies](#). In that case, anyone may file an IDEA State Complaint.
- Utah State Board of Education (USBE) assigns a contracted investigator to gather and review relevant facts, apply the law to those facts, identify legal issues, draft a reasoned decision with legal conclusions, and order certain remedies if appropriate.
- The complaint investigator may request documentation related to the facts in a complaint, interview parties, or perform onsite visits.
- USBE has 60 days to issue an IDEA State Complaint decision from when the complaint is filed with both the Local Educational Agency (LEA) and USBE.
- Anyone suspecting mistreatment at a licensed or unlicensed facility may file a report through the [Utah State Department of Health and Human Services Licensing Complaint Procedure](#).

VIRGINIA

Virginia has a comprehensive complaint process for private schools serving students with disabilities, overseen by the Virginia Department of Education (VDOE) and the Virginia Council for Private Education. Virginia Department of Education (VDOE) licenses private schools for students with disabilities, and the Virginia Council for Private Education oversees the following complaint process. Anyone can file a complaint. The state must initiate an investigation within seven days, and schools are required to respond within 10 days. The state has 60 days to complete the investigation and issue a decision. Schools must develop corrective plans if necessary, and serious violations can lead to a suspension, subject to appeal. The VDOE's Office of Dispute Resolution also

handles public special education complaints, and the Virginia Department of Behavioral Health regulates residential treatment providers.

Summary of [State of Virginia Complaint Processes](#):

- Anyone can file a complaint.
- Upon receipt of a complaint, the state initiates an investigation within seven days, provides written notification to the complainant and the NPA, and offers technical assistance to help resolve the issue.
- Within 10 days, the school must respond to the complaint.
- The state has 60 days to investigate and must notify the parties in writing of a decision.
- The complainant can appeal the outcome of the decision.
- The school must develop a correction plan with timelines.
- The state may issue a summary order of suspension when conditions pose an immediate threat.
- Within three business days of the issuance of suspension, The State will schedule a hearing on the appropriateness of the suspension, and the licensee has 10 days to appeal to the circuit court.
- The willful and material failure to comply with the summary order will be punishable by a Class 2 misdemeanor.

The Virginia Department of Education - Division of Special Education and Student Services, Office of Dispute Resolution and Administrative Services (ODRAS) process:

- Anyone can file a complaint.
- The complainant must provide a copy of the complaint to the LEA and the state.
- Within seven business days of receiving the complaint, ODRAS reviews the complaint and supporting documentation and sends written notification of receipt of the complaint, seeking additional information if necessary.
- The LEA must provide a written response within 10 days, and ODRAS encourages early resolution and mediation.
- ODRAS conducts an investigation, which may include an independent onsite investigation.
- Within 60 days, ODRAS conducts the investigation, resolves the complaint, and/or issues a letter of findings.

- The Virginia DOE is tasked with resolving the complaint and issuing corrective actions.

The Virginia Department of Behavioral Health and Developmental Services (DBHDS) regulates and licenses all residential treatment providers in the state. To file a complaint, you must call or contact them or file a complaint online through their [DBHDS complaint process](#).

RECOMMENDATIONS

The recommendations provided in this document are based on a limited review of complaint processes from a small selection of states and reflect current knowledge and practices. This synthesis is not a comprehensive survey of all state policies, and the processes described may vary or be subject to change. While these recommendations aim to inform the development of an effective NPA complaint process for Washington State, they should be considered as guidance rather than prescriptive mandates. Further research and stakeholder engagement may be necessary to tailor these suggestions to meet the specific needs and legal requirements of Washington State.

Characteristics of an Effective Complaint Process

Based on this limited research of state procedures, there was considerable variability in state complaint procedures regarding NPAs. Some states relied on their state's special education public complaint procedure to handle any concerns that may arise, other states had a specific procedure/process to address concerns with NPAs, and still others used a combination of both.

In looking to design an effective and efficient NPA complaint process for Washington State, the following positive characteristics were gleaned from the work of other states.

- **A specific NPA complaint process**

It is recommended that OSPI develop a specific process to report concerns/complaints regarding state-approved NPAs. This process can be aligned with the state public complaint process and should not in any way subvert a parent's right to due process.

- **Easy access**

Filing a complaint should be easy to access by filling out a form online. The online form portal should also accept attached documents. Access to this form should be easy to find on the OSPI website, and the completed form should go directly to the OSPI administrator responsible for NPA oversight.

- **Clear timelines**

For those states that noted response timelines, it was usually within 10 days for some type of initial response and within three days if the concern involved life safety issues. The online form should have an immediate autoreply that indicates the form was received and notification that the complainant will be contacted via email, including an electronic scheduling feature so they can schedule a call back from the administrator assigned to NPAs.

- **Focused on resolution**

Some websites were very legalistic and clearly designed to follow due process procedures. While assuring the rights of students and families with disabilities is paramount, some concerns can be quickly addressed through facilitated communication and problem-solving. Some states emphasized the importance of collaboration and reaching solutions to better serve the student, which seemed more proactive and effective in addressing problems unrelated to imminent health and safety.

- **Does not create an undue burden on parents to use**

The complaint process should allow parents who are not literate, whose primary language is not English, or who do not have access to technology to voice their concerns as well. Providing an option to call someone, interpreter services, and accessible options for individuals with communication disabilities will promote equal access.

- **Does not create an undue burden on School Districts to respond to complaints**

Most states with a formal public complaint process require the School District/LEA to respond in writing within ten days of being notified of the

complaint. While a timely response to concerns is recommended, it should also be efficient for the school district/LEA and NPA. Designing a system that initially allows for informal responses (e.g., a facilitated meeting or phone call) may be more effective in addressing concerns before moving on to the more formal complaint process.

- **Coordination/collaboration with Washington Health Care Authority's complaint process**

Currently, the Washington State Healthcare Authority (HCA) funds residential treatment for many children and adolescents both within and outside of the state who may or may not have been identified by the school district for special education services. Complaints about the facilities that serve these youth can be filed by contacting HCA. However, there is no formal coordination between HCA and OSPI regarding the process of receiving complaints and coordinating investigations. While this may be a larger undertaking than the scope of the current project, it is recommended that OSPI consider collaborating with HCA to determine if a more coordinated system of communicating concerns regarding residential treatment centers can be developed.

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