



DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

LEA Guidance: IEP Behavioral Related Service Provision by School Behavioral Health Expansion Initiative Community Based Organization Provider

The goal of the School Behavioral Health Expansion is to create a coordinated and responsive behavioral health system for all DC students. Participating schools and partners from selected community-based organizations (CBOs) will work together to plan and execute behavioral health activities across the three tiers of intervention: prevention and promotion, early intervention, and intensive individualized intervention. This document outlines guidance and considerations for local education agencies (LEAs) hiring contractors or CBOs to provide counseling and behavioral health services as part of a student's individualized education program (IEP).

General Obligations for Determining Service Providers

Services prescribed on a student's individualized education program (IEP) must be provided by qualified personnel, as required by the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.* and its implementing regulations at 34 CFR Part 300, and OSSE's [Related Services Policy](#).

Counseling/behavioral support services include supportive therapeutic services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel to improve a child's social-emotional, interpersonal, and academic functioning.¹

Social work/behavioral support services in schools include: (a) preparing a social or developmental history on a child with a disability; (b) group and individual counseling with the child and family; (c) working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; (d) mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and (e) assisting in developing positive behavioral intervention strategies.²

Any further staffing decisions regarding service provision by appropriate staff or contractors shall be decided by the LEA. Decisions regarding services at the child level shall be made by the child's IEP team in accordance with IDEA and District requirements.

¹ 34 CFR 300.34(c)(2); OSSE Related Services Policy, p. 3.

² 34 CFR 300.34(c)(14); OSSE Related Services Policy, p. 5.

Considerations

LEAs and OSSE are responsible for ensuring access to the scope of school-based health services (SBHS) listed in the District's Medicaid State Plan. The scope of SBHS includes behavioral supports (including counseling) provided by social workers, psychologists, guidance counselors or other licensed providers and services/screenings for psychological evaluations. Access to these services are facilitated by the LEAs or OSSE and billed under SBHS methodology.³

Please note that CBOs will not be reimbursed by DC Health Care Finance (DHCF) for IEP-related services. DCPS and charter schools are the only provider types that can be reimbursed for SBHS that are listed in a student's IEP. The codes and rates that are provider-specific for SBHS are not available to community organizations to bill for such services. If a CBO Medicaid provider delivers services outside of the SBHS scope and meets all other State Plan requirements, reimbursement for services provided in a school setting may be available.

When engaging contractors or CBOs to provide IEP services, LEAs must ensure providers are appropriately qualified, including confirming that the provider holds required licensing when appropriate. Failure of LEAs to ensure qualified personnel are providing services could result in non-compliance with IDEA requirements, denial of Free Appropriate Public Education (FAPE) to students requiring makeup services or compensatory education.

Contractors or professionals employed by CBOs who provide IEP-prescribed behavioral health services in schools should consider the operational requirements that accompany IEP service provision. Additional responsibilities include, but are not limited to, training in related service delivery and in Special Education Data System (SEDS) documentation, participation in IEP team meetings, progress monitoring documentation requirements, and annual IEP review and revision.

Recommendations

If an LEA decides that CBO service provider under the School Behavioral Health Expansion Initiative will provide an IEP related service, OSSE recommends the Department of Behavioral Health (DBH) require additional assurances from both the LEA and the grantee CBO organization in the form of a memorandum of agreement addendum.

Resources

[OSSE's Related Services Policy](#) - This document outlines the expectation of OSSE regarding related service provision requirements as outlined in the Individuals with Disabilities Education Act (IDEA) 2004 and Title 5, Chapter 30 of the District of Columbia Municipal Regulations (DCMR).

Please direct any questions regarding the content of this document to OSSE.DSEPolicy@dc.gov.

³ District of Columbia Medicaid State Plan. <https://dhcf.dc.gov/page/medicaid-state-plan>.